

LEGISLATIVE ASSEMBLY

Thursday 23 September 2004

ABSENCE OF MR SPEAKER

The Clerk announced the absence of Mr Speaker.

Mr Deputy-Speaker (Mr John Charles Price) took the chair at 10.00 a.m.

Mr Deputy-Speaker offered the Prayer.

PUBLIC LANDS PROTECTION BILL

Second Reading

Debate resumed from 16 September.

Ms PETA SEATON (Southern Highlands) [10.00 a.m.]: The Opposition is concerned that many pieces of surplus public land, owned by the State Government, which are of significance for various reasons, particularly in the inner city around the harbour, are under threat of sell-off by the Carr Government in the search for a fast buck. This bill has been introduced in line with Coalition policy, which has stood for two to three years now and gives effect to what we told the people at the last State election. It is a policy that we continue to promote as a way to preserve and conserve significant surplus public land.

In line with our policy, the bill seeks to establish a Public Lands Protection Trust to establish a register of significant public land; to enshrine surplus school land policy; and to provide an exemption for school asset sales, supported by the community through amendments to the Education Act 1990. The bill defines public land as land owned by, or vested in, the Crown, not including national parks or State forests. The role of the trust will be a very important one because it will comprise a group of people who will be charged with assessing nominations made by the community or the Minister for the protection and registration of surplus significant public land. The trust members will include seven people, including one representative of the Minister plus six people with expertise that covers heritage, planning, conservation, infrastructure planning, the property industry and the broad community.

The trust will receive proposals and assess them and will make recommendations to the Minister whether to put the nominated piece of land on the register. It will make recommendations regarding the leasing or licensing of that land, and will conduct necessary investigations and research into whether such action on that land would be appropriate. The trust will make assessments on the basis of whether the land is significant. Significance can include a number of things, for example, in the recent debate about Callan Park the significance of the land to the community was on very diverse grounds. The land was significant on many levels, such as its heritage value and that it was the community's last remaining piece of open space on the harbour and in the inner city. It was significant also for meeting the ongoing needs for the treatment of people with mental health problems, and for people using the land as a place where they could gather, walk their dogs, hold community activities and where children could safely run around in an otherwise densely populated area. The trust will determine whether a nominated piece of land is significant and it must deal with nominations within six months.

The Minister has a special role as well. The Minister can list a piece of land on the register but must seek the view of the trust beforehand. The Minister considers the recommendations of the trust but is not bound by them. When the Minister rejects a trust recommendation he or she must set out reasons in writing and do so publicly. The Minister is the only person who can place a piece of land on the register and is not bound by any time limit for determination as to whether that piece of land should be placed on the register.

Registered protected land will occur when a piece of significant public land achieves a place on the register. It will have a management plan attached to it setting out the do's and don'ts or the key purposes of that significant land. Registered protected land cannot be sold or leased except as provided for in the bill, and the land can be vested in whole or part in any statutory body representing the Crown. Registered protected land

cannot have residential development on it and development may only be allowed on it if it is consistent with the key purpose for which the land may be used. For example, if a piece of land was deemed to be significant because it had great recreational and open space and related value to the community, it might well be appropriate for a small walkway or jetty to be built thereon for community access. That is the sort of thing that might be envisaged by the trust as an acceptable use on that land.

A residential or retirement village development would be prohibited, including what we know as the old State Environmental Planning Policy 5, now known as the seniors living policy. The consent authority for any registered land is the council. The Minister may grant a lease or licence not exceeding 10 years, or easements onto the land, so long as it is in line with the key purposes of that land. For leases of more than 10 years, the trust must inspect and comment on, and Parliament must either pass or not disallow, proposed leases or licences after notices of proposals are tabled in Parliament. Care and management of the land may be given to council, or a trust prescribed by regulation or other, including a commercial entity, approved by the Minister. Easements may be allowed in relation to key purposes for that land, and Parliament must either pass or not disallow proposed easements after notice of a proposal is tabled in Parliament.

Intentions on granting consents to leases or easements must be publicly advertised and considered by the trust with the public able to comment in 30 days, and reasons for consent to the lease must be published publicly. Native title claims cannot be made through this legislation. I have spoken about the importance of the new provisions in this bill for dealing with surplus school sites owned by the State Government. Schools sites are very precious to many communities where they have significance to the heritage, natural history or other value in an area. For example, Bowral Public School is where Sir Donald Bradman attended as a young boy and is hallowed ground on several levels, not just in our local community but also in the broader Australian community. Other communities have expressed a view that an existing site is no longer practical for its purpose, and they are keen to sell an old school site in order to purchase a new one at another location and, in those circumstances, often attach no sentimental or other value to the old site.

A good example of that is in Buxton, in my electorate. In the last few years a brand new public school was built at Buxton about three blocks down the road from the old school. Everyone was extremely enthusiastic about the move to the new school site, and about the old school site being disposed of for residential housing. In the community of Buxton that is an issue of no controversy at all; people understand that the school having been moved from the old site to the new site means they now have a brand new school, and they are very happy about that. They have no wish to retain the old site, although there is a lot of sentimental attachment to some of the demountable buildings on that site.

I am currently working with the community to see if we can get the State Government to agree to give at least a small fraction of the money it will make from the sale of that land back to the community for the purposes of relocating those demountable buildings, which are old sports sheds and the like. The demountable buildings could be relocated to the community hall where they could be used as a museum, or to the Tharawal Aboriginal Land Council land where they might be used for educational purposes, including TAFE. In the case of Buxton Public School there is no sentimental attachment to the old school site in terms of its land value, so it is an example of the community taking a different view of surplus school land.

We believe it is important to recognise that although there may be times when a school site becomes surplus because of changing demographics, it is shortsighted to sell off the site and have it lost forever. We can all look at places in Sydney where 15 years ago we may have declared that a particular place would never see the need for a school again, only to find that a residential property boom or a new employment focus suddenly changes the make-up of an area within a few years. The Coalition's policy aims to retain surplus school sites for 20 years, or the equivalent of a generation, for education purposes to ensure there is a second chance to return it to school use if necessary.

The bill sets out our policy that a surplus school site is considered to be significant public land, and that it must remain in public ownership for at least 20 years, or one generation. If the site is not re-established as a public school, it may be disposed of. If the site is disposed of, 30 per cent of it must be retained as public open space. If that 30 per cent would encroach on heritage-affected buildings, 30 per cent of the site, including some buildings if necessary, must be retained for public purposes.

During the 20 years the site remains on the register, it can be used for not-for-profit or commercial purposes, by either lease or licence, education-related activities, which may include a private school, a childcare centre, a TAFE college, a private vocational college, community and council education activities, adult

education, university of the third age education, and similar activities. The bill recognises that there are some circumstances in which the community has no objection to the disposal of an old school site in order to achieve a better outcome elsewhere—for example, a land swap or relocation to a better site, moving away from contaminated land, which was the case with the old Camden High School, or possible future public-private partnership opportunities.

The bill gives the Minister for Infrastructure and Planning power in relation to exemption if the Minister is satisfied that the school parents and citizens association, the school council and the community support the proposal and do not seek the protection of the site. If groups or individuals remain opposed to the exemption, a nomination may be made under the Protection of Public Lands Act to have the land listed on the register by virtue of its significance. Such a nomination would have to be approved by the Minister, who has direction under that Act to adopt or reject the nomination.

I cite the example of Hunters Hill High School and wonder how it might have been handled under the legislation if enacted. In this case the Minister for Education and Training would not have been able to justify granting an exemption as the community clearly opposed the sale of the school. Even if the Minister had done so, and had worn the political fallout, the community could have appealed to the Minister for Infrastructure and Planning for nomination of the school to the Register of Significant Public Lands, and the Minister would have had to deal with yet another political onslaught, creating transparency and accountability in any government decision on the site.

Tamworth West School is another example. I understand that the school parents and citizens association supported the sale and relocation of the school, yet the council opposed it. If the bill were enacted the Minister would assess community and school community satisfaction with the proposal, and grant an exemption if necessary. If the council, or any other stakeholder group, objected they could nominate for registration of the site under the "significant" test. The Minister for Infrastructure and Planning would presumably reject the nomination on the basis of lack of significance in relation to the site, although it may not have survived the trust assessment. Both of those examples, when put through the prism of the bill, would have provided a great deal more accountability and transparency in the decision-making process and would have given the community, at every level, a great deal more say about how they would like to see the sites determined.

A further example is Erskineville Public School, which was extremely controversial two years ago. The Government wanted to sell off the site and put the money into other capital works. The open space and community focus of the school facility would have been lost forever in an area of relatively high residential density and some social disadvantage, with the possibility that student numbers may build up again in the future. In this case, there was overwhelming community and school support to retain the land for community and education purposes. The Minister would adopt the 20-year rule and lease the site to TAFE or a private educational provider. If in 20 years there was still no demand for a public school facility there, up to 70 per cent of the site could be sold and 30 per cent of it retained as public open space, for example, as a park or for the establishment of sports facilities.

The bill is a significant step forward for the protection of our heritage and significant public lands that are held in the stewardship of the State Government. These sites are not the personal playthings of the Minister of the day. They deserve to be afforded a transparent process regarding the consideration of their broader community value, and the community deserves to have a proper framework through which to have their say about the future of significant public lands. Ministers and governments will have to be more open and accountable regarding the decisions they make, and will have to justify their decisions if they fail to accept a recommendation from the trust.

Ministers themselves, as well as members of the community, will be able to make nominations for significant land to be accorded protection. For surplus school sites there will be a more visionary approach to the value of educational precincts in our areas. The bill provides a sensible mechanism to accommodate the need to be flexible in the way we deliver educational outcomes, and the need to be practical where the community supports the disposal of surplus education sites. This bill looks after our present assets for now, but it has an eye a long way into the future to ensure future Australians look back at our decisions and say they are pleased that we were sufficiently insightful to understand the values that will deliver a high quality of life to those who will follow us. I commend the bill to the House.

Debate adjourned on motion by Mr Neville Newell.

COMMUNITY PROTECTION (CLOSURE OF ILLEGAL BROTHELS) BILL**Second Reading****Debate resumed from 11 March.**

Mr NEVILLE NEWELL (Tweed—Parliamentary Secretary) [10.18 a.m.]: I speak against the Community Protection (Closure of Illegal Brothels) Bill, which will give councils power to put in place punitive measures to close down brothels. The bill proposes forceful measures, such as the power to enter buildings, the power to place hoardings on windows and doors, and the power to change locks. As a result, sex workers who work from home could find themselves and their family members denied access to their own homes. Sufficient and adequate legislation is currently in place to close down unauthorised land uses, including illegal brothels. Mechanisms are also already in place to limit home occupations where they have a negative impact on the neighbours or local area. It is likely that the bill would result in a rapid increase in street prostitution. Street workers are less likely to receive health and safety education and health checks, and are highly vulnerable to violence.

A proliferation of street workers is not a desired outcome of the Government, our community, or the workers themselves. The Disorderly Houses Amendment Act 1995 in effect decriminalised prostitution, making brothels a legitimate land use. This was to enable the establishment of well-run brothels, in which health checks and safe sex education take place, and occupational health and safety practices are implemented, and it is more difficult for exploitative operators to continue their activities. The measures proposed in the bill are contrary to those principles. Rather than take the politically opportunistic position of knocking down front doors, the Opposition should consider taking a much more considered approach.

The Government has taken a different approach—not one of burying the head in the sand and hiding from the real issues. It has taken a more considered approach, and one that proposes more realistic solutions to a complex issue. The Government established the Sex Services Premises Planning Advisory Panel, which is currently preparing planning guidelines. The guidelines will provide a strong resource document to councils so that they can make informed decisions about the location and control of sex service premises in their areas. Those guidelines will be finalised shortly.

In her second reading speech the honourable member for Southern Highlands presented some anecdotal material to support her bill. This needs to be substantiated in order to justify such a punitive approach to a specific form of business that may or may not be operating without valid development consent. Councils currently have sufficient powers to deal with any businesses that are operating in residential areas and affecting the amenity of the locality by way of noise and nuisance. People loitering in corridors, unsanitary lifts and questionable laundry in a communal facility resulting from the operation of brothels should be reported to council.

Councils can apply to the Land and Environment Court to close down a brothel on the basis of residents' complaints, where the residents are in the area where the brothel is situated and use, or whose children use, facilities in the vicinity of the brothel. Some of the reasons the court will consider closing a brothel include whether the brothel is operating near, or within view of, a church, hospital or school or any place frequented by children, or whether the operation of the brothel interferes with the amenity of the neighbourhood. The current legislation clearly gives councils enough power to shut down illegal operators. Indeed, the Liberal party candidate for Parramatta at last year's State election, Chiang Lim, has said as much. As part of his recent council election campaign, Mr Lim circulated material highlighting illegal brothels that had been shut down by Parramatta council. If the current legislation can work for Parramatta, it can work for other councils. A balance must be achieved where brothels are properly controlled to minimise the impact on local areas as well as protecting the health and safety of communities through education and safe sex practices. The bill therefore is not supported.

Mr MICHAEL RICHARDSON (The Hills) [10.22 a.m.]: I strongly support the bill introduced by the honourable member for Southern Highlands. Illegal brothels have been a significant problem in The Hills area, and many, many people are very concerned about this issue. I have presented to the Parliament petitions protesting against illegal brothels and the Government's failure to take appropriate action to deal with the problem. In this week's paper I note that the Baulkham Hills Shire Council voted unanimously—and that is with the support of the three Labor councillors of the Baulkham Hills Shire Council—to put more pressure on the State Government to give councils more power to shut down illegal brothels. The council is strongly behind the

proposal put by the honourable member for Southern Highlands, as indeed is Hornsby council. Hornsby council has had very significant problems in dealing with illegal brothels. The mayor of Hornsby council, Councillor Nick Berman, was quoted late last year in *The Hills News* as saying:

If councils are to continue to have responsibility for the regulation of brothels, they need adequate powers to ensure that those operating illegally are closed down immediately. The proposals to reverse the onus of proof on the operators, and to give powers to councils to close illegal brothels within 48 hours, will go a long way towards addressing this issue.

Hornsby council only recently has spent about \$200,000 in legal fees over two years closing illegal brothels. The reason is not hard to fathom. Under the Government's legislation—legislation that the Parliamentary Secretary was lauding—councils must go to the Land and Environment Court to try to close down an illegal brothel. It not only costs a lot of money but can take up to six months to get a Land and Environment Court decision. Over that time the illegal brothel continues to operate in that location, almost with impunity. Then, when the council finally succeeds in closing down the illegal brothel, the operator simply moves the illegal brothel to another location down the road. That is certainly what has happened in my electorate.

A brothel was set up in a residential home in Old Castle Hill Road, the street in which my office is located, although a long way from the Castle Hill shopping centre. The operator engaged in intimidatory practices against families living round about, and those families were reluctant to come forward so that the problem could be dealt with. In desperation, they came and asked me for some assistance. They asked whether I would support them without naming them, to prevent the practice of having used condoms placed in their letterboxes and similar sorts of things that had been engaged in previously. Having observed what was going on at those premises, I was happy to provide some support for my constituents in the Rental Tenancy Tribunal and also the Land and Environment Court. Eventually, the brothel was closed down. But, as I understand, almost immediately it went to the Baulkham Hills shopping centre, where it reopened.

The only way this issue can be properly dealt with will be if councils are given the power to shut down these brothels expeditiously. That will mean that effectively the brothels will be able to be closed down over a period of 48 hours, as is proposed in the bill put forward by the honourable member for Southern Highlands, and if it moves somewhere else the council can simply go in there and close down the brothel again. One would expect that following several relocations the brothel owners will simply grow tired of moving and will leave the district. That would be a real step in the right direction for members of the community. This issue has been going on for a long while. I have mentioned in the House previously that some constituents of mine who were unfortunate enough to live next to an illegal brothel in Showground Road, Castle Hill, were at one time confronted with the sight of a man coming and knocking on the door, already unzipping his fly, ready for action. That is totally unacceptable in an area largely inhabited by families. It is totally unacceptable in any residential area.

The honourable member for Southern Highlands, in her second reading speech, mentioned some of the goings-on and shenanigans in the building housing the office of the honourable member for Coogee. I would like to reiterate some of what has been happening there, because it really does paint a stark picture of the reality of illegal brothels. It demonstrates the kind of nonsense that people who are unfortunate enough to live in the same building as, or nearby a building in which an illegal brothel is operating, have to put up with. Why on earth the honourable member for Coogee has not done more to try to deal with this problem, especially given that it is in his building, I simply do not know. The building is, as I understand, at 29 Newland Street, in the centre of the Bondi central business district.

At the invitation of Waverley Council the honourable member for Southern Highlands went to look at the problems. The night she visited the building one of the glass panels in the foyer had been smashed and partly repaired. There were people in the building who were not running illegal brothels, who were not engaging in this sort of undesirable activity, but who had had people referred to them. The same sort of situation that I have been talking about: a case of mistaken identity where customers have come and hammered on the door and demanded entrance.

Very clearly, for those people who have to endure this situation it is very, very distressing. The honourable member for Southern Highlands read out some letters from people who had to endure this and, of course, they have moved from the building. That is what tends to happen in these situations: undesirables move in where these night-time and daytime activities take place, customers hammer on the door demanding entrance, good people do not want to continue to live in that environment and they move out. I think it is the old broken window theory: they move out and the criminals take over.

Given the lack of action on the part of the honourable member for Coogee, and given the disgraceful episode that has recently come to the attention of the public regarding Mr Neville Hilton in Wollongong, a man who has now been convicted of child prostitution and running a brothel in which two girls aged 13 and 14 worked—he claimed he did not know how old they were—I can understand why such things are happening: the Labor Party is reluctant to take on and embrace the proposed legislation of the honourable member for Southern Highlands. It just astounds me that any government should adopt such a cavalier attitude towards the people of the State it purports to represent.

The bill introduced by the honourable member for Southern Highlands is very straightforward: it reverses the onus of proof so that whereas currently it is up to the authorities to prove that premises are being used as a brothel, in future, where a council reasonably suspects that premises are being used as a brothel, it is up to the occupiers to prove that it is not. I would have thought that is a pretty straightforward change to the Environmental Planning and Assessment Act and it is something that would work because it would allow councils to close down brothels within 48 hours. As the honourable member for Southern Highlands has drafted in her legislation, it would protect the community from the operation of illegal brothels and facilitate the prompt closure of illegal brothels by councils.

I cannot understand why the Government does not accept this legislation; why it does not accept that the changes that it made to the laws governing brothels some years ago simply are not working. I would have thought that is very clear from the evidence in my electorate, and indeed from evidence from the electorates of members across New South Wales. Six months is not an acceptable length of time in which to close down an illegal brothel; 48 hours is acceptable. Close them down in 48 hours, move them out and move them on. If they set up somewhere else then go in and do the same thing to them over and over again. It sends a very, very strong message to the operators of these illegal brothels that their activities will not be tolerated in that local government area.

To return to the problems that we have been experiencing in The Hills, the Baulkham Hills shire and Hornsby shire, we know that, tragically, many of the girls who are operating in these brothels are illegal immigrants from Asia. I have had many discussions with journalists and others in the area who are extremely concerned about what is happening to these girls. We believe the girls have been brought in by triads, they are terrified for their lives, they are not prepared to go to the police, and, of course, they also face the prospect of deportation as illegal immigrants. So we are talking about something that is much more serious than simply closing down illegal brothels, we are talking about a trade in sex slaves, which the Government is condoning, and given the fact that one of the leading luminaries of the Australian Labor Party in the Illawarra has been found guilty of child prostitution, that does not surprise me. But the Government has a chance to atone for the sins of the members of the Party that it represents. By supporting the proposed legislation of the honourable member for the Southern Highlands it will be sending out a very strong message that it has mended its ways, it has seen the error of its past sins and it is not going to tolerate the continuing operation of illegal brothels across New South Wales.

Mr PAUL PEARCE (Coogee) [10.35 a.m.]: I thank the House for the opportunity to respond to the Community Protection (Closure of Illegal Brothels) Bill and to respond to some of the fairly outrageous statements made by the honourable member for Southern Highlands, who is scurrying out the door now. I will respond to the bill in two parts: on the current principles underlying the bill and on the specific practicalities of what is being proposed. The principle of the bill, as outlined by the honourable member for The Hills, indicates that there is a desire to reverse the onus of proof in relation to one type of commercial activity as opposed to another, if that form of commercial activity in question is identified as something to do with the sex industry. In a sense, that brings a new dimension to planning law in New South Wales, which I believe is right outside of the scope of local government.

Local government has never been, nor should it be, an arbiter of taste or an arbiter of what is an appropriate form of business as opposed to another. By nature, local government is a consent authority to determine a range of appropriate activities within a given local government area. The sex industry can be looked at from a local government perspective: Is it a commercial activity? Is it appropriately zoned? Are there appropriate controls within a local environment plan [LEP]? Is there in existence a development control plan [DCP] and, if there is, does it contain appropriate controls to regulate that form of activity as with any other form of commercial activity?

The problem with most local government areas—and I include my former council of Waverley—is that they have not responded in a manner which strengthens their capacity to deal with a commercial activity that

causes a reduced amenity to some residents or impacts unduly on other residents or other businesses within a given area. South Sydney and the City of Sydney adopted appropriate DCPs, which seek to regulate the sex industry within their council areas—which is now, of course, all part and parcel of the City of Sydney. Waverley has chosen to go down the same path and is in the process of developing a development control plan to regulate and manage the sex industry within the Bondi Junction local environment plan [LEP] area.

This has caused some concern among our constituency that this is giving the green light, if one likes to consider it that way, to prostitution within the Bondi Junction area. I actually supported the Liberal councillors on the Waverley Council when they suggested it. Councillor Sally Betts and Councillor Kerryn Sloan, who is the Liberal councillor who represents the Bondi Junction area, came to see me and identified a number of problems. Councillor Sloan, to her credit, expressed considerable concern about the illegal nature of some of the alleged activities, and was concerned about the impact upon the primarily young women, and in some instances young men, who were involved.

I indicated to both Councillor Sloan and Councillor Betts that there would be certain difficulty in obtaining constituency acceptance of a legalisation regulatory regime. However, I also indicated to them my belief that that was the appropriate response and that we should adopt a bipartisan approach to implementing a development control plan to give teeth to the LEP for Bondi Junction. The problem is that if there is just an LEP and a commercial zone within an LEP, the LEP does not draw a distinction between one type of commercial activity and another. In the case of the building at number 29 Newland Street, of which I am fully aware, as everyone knows, owing to the fact that I inherited an electorate office in that building—although I am not the tenant, but the Parliament of New South Wales is—there are 132 strata units. Council inspectors estimate that there are between 15 and 20 premises, but arguably up to 26, depending on how certain activities are defined, which potentially are operating in the sex industry.

Apparently there is one development consent or possibly two development consents for erotic massage. Those premises have been served with notices to show cause why the council should not close them down for breach of consent. In both instances, the breach of consent is denied, as is the contention that sex, per se, occurs on the premises. On the fifth floor in particular there are a number of businesses which appear to be related, despite having individual owners, and they are covered by an organisation known as Misty's. No matter how the law is dressed up, there is still a need to obtain evidence. The evidentiary question is not resolved by the bill that is presented by the honourable member for Southern Highlands. Even if the onus is reversed, which I consider to be very bad planning law, the council still has to act upon a reasonable suspicion in accordance with the provisions of this bill. There is a need for the collection of evidence: If a council acts without appropriate evidence, it will be subject to being sued in the courts.

Mr Neville Newell: The broken window?

Mr PAUL PEARCE: I will come to the broken window shortly. The evidence has to be obtained, and the evidence has to consist of more than the fact that some non-resident owners are objecting to particular activities. I again highlight that there are 132 units in the block. I have been speaking to the residents, and when I say "residents", I draw a distinction between residents and non-residential owners who own 12, 15, 20 or 30 units each. There are three resident owners in the block to whom I have spoken. Two of them said that their main concern was the illegal use of some of the units by backpackers. I question whether that is illegal because of the nature of the building and its previous use as a motel. One of them said that he had a problem with the brothels: He said that the girls are fine, but his main problem was that after the carpet had been removed, somebody had been getting around the unit in high heels, which caused some noise. I have taken up these matters with the owners' corporation and with the managing agent, both directly and through the properties section of the Parliament. The very legitimate question raised by Councillor Sloan was that if we went down the path of an absolute prohibition or close-down approach, the history of more than several thousand years indicates that that will not be successful but will simply drive the trade underground.

Mrs Judy Hopwood: It is already underground.

Mr PAUL PEARCE: No, they are on the fifth floor, I am afraid. If members of the Opposition are concerned about the wellbeing of the young women and young men within the industry and if that concern is based on wanting to maintain health standards and appropriate safety standards for sex workers, some of whom choose to work in the industry but the majority of whom I believe are effectively economic slaves to the industry—our Coalition colleagues support the market regime, and some people have only one thing to sell which happens to be their body—they should support Councillor Kerryn Sloan who quite correctly argued that a

regulatory regime was a better approach because it allows us to look after, in the best way possible under local government controls, the wellbeing of people who are working in that industry. I have discussed the matter with one of the prostitutes collectives, the Collective of Sex Workers and Supporters, which has also argued for that approach to be adopted. The collective has produced a fairly detailed paper titled "Smaller Is Better" which connotes single sex workers as opposed to brothels. A copy of the paper will be provided to Coalition members if they need it.

This fairly complex situation will not be resolved by a bovver-boy approach that will give council officers the capacity to kick in doors and change locks based on a suspicion which may well prove to be inadequate. I do not know whether the honourable member for Southern Highlands has had any experience in local government—I suspect that she may not have, which may be why she is adopting the approach reflected in the bill—but in many instances, council officers are not the best people to carry out duties connected with adopting the approach proposed in the bill. Council officers quite often get the address wrong. If someone kicks in the wrong door, a council could be sued.

Ms Peta Seaton: You are there. Get the address right.

Mr PAUL PEARCE: I do not need to know the address because I have my office there. I know the address.

Mr DEPUTY-SPEAKER: Order! The honourable member for Coogee will be heard in silence.

Mr PAUL PEARCE: Council officers are notorious for getting the address wrong when imposing garbage fines or whatever the offence is. This is the nature of the beast when dealing with local government. This bill will give incredible power to local government, and I suggest that local government generally does not want this responsibility. On the other side of the equation, local government actually has powers to operate under the Act if there is a disamenity to a neighbourhood or a business. It was interesting to hear what the honourable member for The Hills said earlier. I was contacted by a resident within his electorate in relation to this matter. The resident's father lived in Coogee. I contacted the Baulkham Hills council, which initially claimed to be able to do nothing. After there was a change in the composition of the Baulkham Hills council, I spoke to the deputy mayor and indicated a range of options which exist. Honourable members should bear in mind that the alleged brothel—I am quite convinced on the evidence that it was a brothel—was operating in a residential zone. Council officers were saying that they could not do this and could not do that, and I said that they should use the normal planning controls available under the Environmental Planning and Assessment Act on amenity issues and go for them on that. Guess what? It was closed down.

The problem is that many councils, particularly in predominantly residential zones, do not use properly the planning control powers that already exist. Bondi Junction represents a very different situation because it is a commercial zone. The building in question was a motel. Anyone who is aware of planning law would know, without overlaying moral judgment on the nature of the use, that a change from one commercial use to another commercial use will simply lead to maintenance of the status quo, provided that the operations are conducted within the conditions of the consent. Most conditions of consent that were issued in the 1970s and early 1980s related to hours of use. They did not specify the types of use but, rather, hours of use.

Ms Peta Seaton: It is illegal.

Mr PAUL PEARCE: The honourable member for Southern Highlands does not know the facts. She should get the facts right before she speaks. The conditions of the consent specify the hours of use. A change of use in those circumstances does not require a development consent. Therefore it is necessary to adopt an evidentiary approach, which is exactly what the bill proposes. If the honourable member for Southern Highlands had properly consulted her Waverley Council colleagues instead of prowling around the countryside and almost having a photographer fall out of a window in a car park, she would have been aware of the facts of the situation. They would be aware of the significant work undertaken through 76 inquiries and notices issued in relation to different activities and alleged activities around Bondi Junction, which is not the Reeperbahn of the eastern suburbs.

There are illegal and alleged illegal operations. There was one operating directly across the road from the would-be member for Wentworth, Malcolm Turnbull, and that was moved with approval by Liberal councillors on Waverley Council. This bill will not solve the problem. Local government has powers and should use those powers to remove brothels and the sex industry. They regard it as too hard and in the same category as

backpackers. Any activity that gives a detrimental impact to the wellbeing of other residents and businesses should be subject to the reduced amenity provisions of the Act, which is what Waverley Council is doing and what Baulkham Hills Shire Council did once Labor took over.

Ms GLADYS BEREJIKLIAN (Willoughby) [10.50 a.m.]: At the outset I congratulate the honourable member for Southern Highlands on introducing the bill. I express extreme disappointment at the Government's indication that it will not support the bill. The honourable member for Coogee, a former mayor, gave as one justification for not supporting the bill his lack of confidence in council officers, which I regard as quite bizarre. The Government has not given one reason of merit why the bill should not receive its support. Although it is aware of the problem it cannot admit that the Opposition has found a solution. This bill will eradicate the scourge of illegal brothels in our suburbs. It sends a strong message to prospective illegal operators that the operation of illegal brothels will not be tolerated because the bill gives local councils the power to close them down.

The underlying principle of the bill is to recognise the danger to public health and safety caused by the operation of illegal brothels in inappropriate locations within the community. Accordingly, the bill has three major objects: first, to protect the community from the operation of illegal brothels; second, to encourage the restriction and regulation of brothels under instruments and policies made or adopted by local councils; and, third, to facilitate the prompt closure of illegal brothels by local councils. The previous speaker stated that a period of two years and beyond was reasonable, although I would suspect that community members would find that time frame totally unacceptable.

The bill highlights the need for reform and provides the State Government with an opportunity to make amendments in this important policy area, which has been ignored for the past 10 years. I was shocked to read an article in *Daily Telegraph* on 27 October 2003 entitled "Residents protest against neighbourhood brothels—Preserve our Suburbs", which detailed the uphill battle that many Sydney councils face in identifying illegal brothels and having sufficient power and resources to shut them down. In dealing with the problem of illegal brothels throughout a number of local councils the article stated that, on the North Shore, Willoughby City Council had provided a private investigator to get evidence on an illegal parlour. On that same day the *Daily Telegraph* editorial stated:

The legalisation of brothels in 1995 was intended to clean up the sex industry, allowing it to be regulated by local councils and the State Government ...

Local Councils have tried to crack down on these illegal operations but once the heat becomes too much, the owners simply pack up and move on to the next suburb.

Apparently, everybody in the community regards this as a serious matter except the State Government. It is not acceptable and the Government should meet community expectations by supporting the bill. The bill will restore controls to councils over what goes on in their areas without costing residents and ratepayers excessive amounts in legal fees while their council is forced into long periods of litigation under current laws to prove that a particular brothel is illegal and not simply an escort agency. The bill will also protect communities in the vicinity of an illegal brothel. It will help vulnerable young people, mainly women, who, regrettably, are easily lured by unscrupulous illegal brothel operators offering them employment and what they regard as reasonable income and rent.

The bill aims to assist councils to deal decisively with illegal brothels by giving councils the power to shut down suspected brothels within 48 hours—not two years and beyond as indicated by Labor Party speakers as being acceptable—including giving councils power to change locks and bring in police assistance. The bill will provide local government with the power to issue an order specifically against illegal brothels and assist councils to recover the costs incurred in implementing closure orders. The honourable member for Southern Highlands highlighted the fact that it will not be necessary for council to give advance notice of the proposed order or to allow representations to be made concerning the proposed order. That will give councils the essential element of surprise. Schedule 1 [6] to the bill ensures that if a council gives a person an order to cease using premises as an illegal brothel, the order must require compliance with its terms within 48 hours, a speedy response. At the moment it can take council up to two years to successfully close an illegal brothel. That is way below community expectations and should be amended immediately.

If a council is satisfied that an order referred to above has not been complied with, the change made by schedule 1 [7] to the bill authorises the council to take action to prevent persons from entering the premises to which the order relates. A council will be able to recover any reasonable costs that it incurs in taking that action.

It will be able to recover from the person required to comply with the order certain other costs incurred by that council in making the order. This provision is important because of the necessity for a council to move in and change the locks, board up a entrance, do some such work or undertake investigation or other security-related assistance. It is important for ratepayers to be protected from those costs. It is not reasonable that ratepayers should have to bear those costs of following up and enforcing compliance on illegal brothel operators.

I have read many media reports over the past few years. I am concerned that to date some councils have been forced to turn a blind eye to the problem because the process of closing down an illegal brothel has been too difficult and too costly. Councils cannot afford the prospect of a lengthy and costly court case or to resource the compliance functions. Despite having development control plans in place that would avoid school, church and residential proximity, councils still cannot control brothel locations when operators defy the rules and break the laws. Under the present system applicants can use State environmental planning policy [SEPP] 1 to avoid council planning decisions, with more court costs to ratepayers. There is the danger of exploitation of sex workers under the current system.

In November last year I wrote to Willoughby City Council expressing my concerns and explaining the steps that the Coalition was taking. I place on record my thanks to the General Manager of Willoughby City Council, John Owen, who forwarded to me a very lengthy response on council's approach to this issue and the work undertaken by it to date on brothels and brothel policy. When the Leader of the Opposition introduced the bill in 2001 he had extensive consultation with councils across New South Wales. At that time councils indicated their concerns about the costly and lengthy Land and Environment Court process; illegal brothel operators taking advantage of the fact that councils cannot always provide resources to investigate illegal operators; the use of SEPP 1 by some applicants to bypass council local plans excluding brothels; the impracticalities and costs of gathering the necessary evidence; and the high court costs to ratepayers in conducting court actions.

The Community Protection (Illegal Brothels) Bill was introduced in 2001 following advice and concern expressed by councils. It was of extreme concern that the Labor Party voted down that bill in June 2002. The problem has worsened in the suburbs of New South Wales. Therefore, it is of even more concern that the Government has indicated that it will not support this bill. From time to time I receive telephone calls and letters from constituents about their concerns that illegal brothels may be operating in their area, particularly in Chatswood, Artarmon or Willoughby. I want to ensure that now and in the future all councils within the State will have in place the necessary legislation under which they can act against illegal brothels as soon as evidence is provided that they exist. I want to be able to protect the community within 48 hours, not within two years or beyond. Prospective illegal brothel operators must know that this bill will ensure that they cannot continue suburb hopping; they cannot shut down operations in one place and move to another.

This bill will mitigate that concern. Councils must have powers and resources to shut down illegal brothel operators. The community must be confident that the State government and local government have adequate legislation in place to protect them and to shut down illegal brothels as soon as possible. We need to protect the vulnerable young people, mainly women, who are lured into those establishments. The impact of illegal brothels on families and neighbourhoods is a growing problem in the many areas in which those operators exploit legal loopholes and the obvious limitations on council resources. The bill aims to put an end to all that. As I have said, in 2002 the Carr Government voted down the bill that was introduced in 2001. After hearing the strong arguments this morning, I hope the Government will reconsider its position and support the Coalition's bill, which is necessary if we are to eliminate illegal brothels from residential areas and to protect the community. I again commend the honourable member for Southern Highlands for introducing the bill. I urge all members to support it.

Mrs JUDY HOPWOOD (Hornsby) [11.02 a.m.]: I also urge Government members to support the Community Protection (Closure of Illegal Brothels) Bill. The underlying principle of the bill is to recognise the danger to public health and safety that is caused by the operation of illegal—I emphasise "illegal"—brothels in inappropriate locations within the community. Accordingly, the objects of the bill are:

- (a) to protect the community from the operation of illegal brothels,
- (b) to encourage the restriction and regulation of brothels under instruments and policies made or adopted by local councils,
- (c) to facilitate the prompt closure of illegal brothels by local councils.

If a council is satisfied that an order had not been complied with, it could take action to prevent persons from entering the premises to which the order relates. A council will be able to recover any reasonable costs it incurs in taking that action. A council will be able to recover from the person required to comply with the order certain other costs incurred by the council in making that order. It is disappointing that Labor is so soft on illegal brothels. Two legal brothels operate in the Hornsby electorate—one has operated for a long time and the other gained Land and Environment Court approval to operate. There have been problems with the setting up of many other illegal brothels in the shire of Hornsby. They have caused great concern, mayhem and alarm to surrounding residents.

I would not like to live next door to, or in the same street as, an illegal brothel. I have had many conversations with families from one street in particular in my electorate in which a brothel operated for more than one year. However, it is no longer in operation. A resident who lived immediately opposite that brothel wrote a letter expressing the typical feelings and anxieties of families and individuals who live within the vicinity of an illegal brothel. I give accolades to Mr and Mrs O'Brien, who wrote this letter. They have done a lot of work in pointing out the problems concerning this matter. The letter was addressed to Ku-ring-gai Council, in whose area the brothel operated. The letter, dated 14 November 2003, stated:

1. Introduction

We are residents of Bundarra Avenue South, Wahroonga who wish to make an official complaint concerning what we believe to be a brothel operating from the residential premises located at ... Bundarra Avenue South, Wahroonga.

2 Demography and Geography

Bundarra Avenue is a residential street primarily populated by long term residents particularly on the Eastern side where occupancy spans include periods exceeding 70 and 40 years. Other families have lived here approximately 20 years (3), 15 years (2) and 9 years. Two families are third generation in the street. Accordingly, the residents are in a position to note and assess changes in vehicular activity and the deterioration in the amenity of the street environment over the past 12 months.

3 The demographic of the street may summarise as:

- (a) four families with school age children, five of whom are in a primary/preschool age group including a 12 year old girl and 8 year old living directly opposite ... Bundarra Avenue. The other children, aged 8, 6 and 4 live approximately 100 metres from the premises and have a clear view of them;
- (b) residents with grandchildren who regularly bring grandchildren to visit particularly on weekends. Two sets of grandchildren visit at homes within the immediate vicinity of no. ...
- (c) sole female occupiers including three elderly residents. To such households are within the immediate vicinity of No ...

With the exception of the house on the western side of the highway and no. ... the houses in the street are well maintained with established gardens. Many of the houses on the higher Eastern side follow a similar floor plan with bedrooms on the street frontage. Accordingly, bedrooms and in one case a homework study overlook ... Bundarra Avenue.

Bundarra Avenue South may be entered via the Pacific Highway at the Southern end by traffic travelling south along the Highway. All other traffic must enter via Everett Lane which borders Abbotsleigh Junior School and two SEPP five complexes.

As Everett Lane is one way, all traffic must exit via the Highway and the street has been effectively converted into a cul-de-sac at the Northern end adjoining Abbotsleigh Junior School close to its rear exit. Consequently, Bundarra Avenue has until recently experienced very little through traffic.

The residents have met and made their alarms clear to both Ku-ring-gai Council and my office. Hornsby Shire Council came into the equation by offering assistance to residents. Mr and Mrs O'Brien's letter continued:

6 Affect on the amenity of the street

Residents have had the enjoyment of their properties adversely affected in the following ways:

- (a) men have knocked on doors seeking redirection to the premises. Intrusions of this sort have frequently occurred after dark. This is of particular concern to the households with no resident males;
- (b) the 12 year old girl was approached by a man in a car seeking directions while she was playing on the footpath;
- (c) since the approach detailed above, the families with younger children have instructed them that they are not permitted to play or ride on their bikes on the footpath unsupervised.

That is a disgraceful change in the ability of those children to enjoy their home. The letter continued:

Previously the street was regarded as very safe for its children (who were all born there) as they are well known to all the residents and, in many cases, their grown families. Now the children are regarded as being at risk both from the men visiting the street for sexual purposes and the associated increased traffic flow. The proximity to the students of Abbotsleigh Junior School is also noted in the regard;

- (d) families with children also feel inhibited from inviting their children's school friends to play believing it to be untenable to expose other people's children to the risk of harm from the activities of those visiting no ... It also gives rise to embarrassment when declining requests to play;
- (e) men visiting the premises are directly overlooked by children undertaking ordinary activities such as homework and playing in their front yard;
- (f) men using the premises are leaving unacceptable rubbish in the street for example, used condoms have been found on the nature strip close to the fence line. In one case the condom was found at the base of a letter box. Residents should not be placed in the position of having to dispose of such matter;
- (g) the increase in the parked traffic is obstructing access to residents' properties;
- (h) the increased presence of persons associated with the enterprise and their visitors (some of whom remain for a time in their parked cars) will inevitably increase the risk of property theft and vandalism; and
- (i) residents feel inhibited in their ability to deal with what they believe to be unacceptable activity in a once quiet residential street because of the fear of reprisals.

That is certainly one thing that these premises hold over the residents. Residents fear making objections to activity that is illegal. They want to come forward but they are fearful of doing so. I am aware of the hard work that Hornsby Shire Council has undertaken on a number of occasions to deal with illegal brothels, but it can take one year or even two to gather enough evidence to enable something to be done. In a letter addressed to me dated 17 November 2003, Hornsby Shire Council stated that, following council's planning meeting held on 3 July 2002, a mayoral minute was tabled. At that meeting council resolved to write to all members of the New South Wales Parliament urging them to support the private member's bill—the Community Protection (Illegal Brothels) Bill 2001—proposed by Mr John Brogden, shadow Minister for Urban Affairs and Planning, as he then was. Unfortunately, Government members did not see fit to support that bill. Hornsby Shire Council has issues with using up valuable resources and the valuable time of its officers to gather the necessary evidence, in concert with other authorities, to close down illegal brothels. The premises in Bundarra Avenue were eventually vacated.

Mr Barry O'Farrell: What did the sign say?

Mrs JUDY HOPWOOD: I am about to get to the sign. When the police raided local brothels they found, on the premises in question, a sign directing them to another brothel in Warrawee—once again situated in the Ku-ring-gai electorate, once again opposite a primary school and once again in a residential area. That is a totally unacceptable place for a brothel. I happen to know anecdotally that when residents of that brothel moved their illegal activity elsewhere a 17-year-old girl, the legal owner of the premises that had been rented out for other purposes, was subjected to knocks on her door at all hours of the day and night. She is another victim of the unacceptable inability of councils to deal with this issue. It is a disgrace that such activity should be allowed to continue. I urge Government members to support the bill, which will put a stop to this unacceptable behaviour. The mayor of Hornsby shire, Councillor Nick Berman, who was elected to that office after the most recent council elections, has worked tirelessly for a number of years in relation to this issue. I will read from a media release he issued on 11 November 2003. That release stated in part:

The NSW Coalition's Community Protection (Illegal Brothels) Bill will bring significant savings to Councils and deserves the support of both Houses of the NSW Parliament.

Councillor Berman has worked closely with the honourable member for Southern Highlands and with other members of Parliament in relation to the day-to-day issues associated with the location of illegal brothels in their electorates. He has been tireless in his efforts, with the support of the council and council's solicitor, who has also expressed his considerable concern. Other honourable members who contribute to this debate will undoubtedly allude to similar activities by their local councils. Councillor Berman's media release continued:

If Councils are to continue to have responsibility for the regulation of brothels then they need adequate powers to ensure that those operating illegally are closed down immediately.

The proposals to reverse the onus of proof onto the operators and to give powers to Councils to close illegal brothels within 48 hours will go a long way towards addressing this issue.

... the situation has improved significantly from a few years ago when Hornsby Council spent approximately \$200,000 over a two year period on legal fees associated with closing illegal brothels.

Why should that council have to spend such large amounts of money in their efforts to close down illegal brothels when it should be spending money on other things that are needed in the council area? I refer to problems such as the landslip on Berowra Waters Road, in respect of which council has had to go cap in hand to the State Government to beg for assistance. Council should not have to do that. The money spent attempting to close down these illegal brothels should be used on other forms of amenity for people of the shire. Councillor Berman also noted that, as a result of the hard work by council's planning division and legal services section, the situation has improved in regard to the gathering of evidence and closure of these brothels, but that it is taking far too long. He states that much more needs to be done. I refer honourable members to an article in the *Sun-Herald* of 22 August 2004 headed "Push to ease controls on brothels". It is alarming to note that the article states:

A brothel could be set up in the house or flat next to you—and there is nothing you can do about it.

If councils accept guidelines drawn up by a State Government brothels task force, then prostitutes could work in any residential area without checks or controls.

It is beyond comprehension to even contemplate what this could mean to the local environment and communities where families are trying to bring up children and where elderly people live. I would condemn any government that attempts to make the establishment of illegal brothels easier and permits workers to set themselves up within communities where there are children, schools and vulnerable people whose lifestyles will be changed dramatically by the presence of this type of activity. The Department of Immigration is obviously involved and concerned about aspects of sexual servitude. I note that a police raid uncovered some anomalies in relation to passports and residencies.

Mrs JILLIAN SKINNER (North Shore) [11.17 a.m.]: It gives me great pleasure to support the honourable member for Southern Highlands and to congratulate her on introducing the Community Protection (Closure of Illegal Brothels) Bill. I am astonished that there have not been more Government speakers, particularly women members. I would have expected them to speak not only about the protection of women and families in their communities, and about the need to provide councils with greater powers to deal with illegal brothels, but also about the vulnerable sex workers who are being abused through their employment in such illegal brothels. It staggers me that only the Coalition members of the House have spoken to this bill. I have listened with a great deal of interest to the examples of problems that have been experienced by my colleagues in their electorates. The honourable member for Hornsby has given the House a quite distressing description of the circumstances confronting women and children, in particular, in her electorate, who have had to deal with an illegal brothel. It disgusted me that they had to clean up used condoms in the street. It is enough to blow the mind.

Mr Bryce Gaudry: It is!

Mrs JILLIAN SKINNER: The Parliamentary Secretary appears to be in agreement with that statement. It will be interesting to see whether he supports this bill.

Mr Bryce Gaudry: I am just laughing at your expression.

Mrs JILLIAN SKINNER: Perhaps the Parliamentary Secretary thinks that that is acceptable, which I find quite stunning. This bill will give councils much greater power to close down illegal brothels. At the moment it can take up to two years for that to happen—a matter that was referred to by the honourable member for Coogee as though it was quite acceptable. Women and children in the electorate of the honourable member for Hornsby have had to put up with these problems for two years. Under this bill councils will be able to move in and, within 48 hours, close down a facility. Councils across the board currently have difficulty in closing down illegal brothels. This bill will restore the power to councils and make them much more effective in dealing with this totally unacceptable practice.

This bill will protect local communities, councils and, above all, vulnerable young women—people who have been brought into this country under false pretences and who are being exploited. As I said earlier, we heard what is occurring in the electorate of the honourable member for Hornsby. Reference has been made to activities in the Bondi Junction area and in Wollongong. There are illegal brothels in my electorate. Councillors from Mosman council have expressed concern to me about those facilities. Honourable members would be aware that the retail strip in my electorate, which is where those brothels are located, is heavily used by school students from Mosman High School and others. It is of great concern to me as well as to local councillors that these students should be exposed to the hustling that goes on around an illegal brothel.

The honourable member for Southern Highlands said earlier that people want councils and the State Government to protect their residents and to crack down on those who operate illegal brothels, who take advantage of vulnerable women, and who force them to work in circumstances and conditions that are extremely detrimental to their health. That is not to say that the Coalition totally opposes the operation of legal premises that take account of the health and safety aspects of their sex workers. These vulnerable younger women are exposed to all the hideous diseases about which the community now knows—diseases that are associated with unprotected sex. Nothing in an illegal operation will protect those young women, for example, surveillance by health authorities and so on, which is an added and detrimental side to these illegal brothels. I refer to the specifics in this bill. The bill has three main objectives:

- (a) to protect the community from the operation of illegal brothels.
- (b) to encourage the restriction and regulation of brothels under instruments and policies made or adopted by local councils,
- (c) to facilitate the prompt closure of illegal brothels by local councils.

There is nothing controversial about this logical and sensible bill, which would protect everyone. Councils would be given what they want. Why would Government members vote against it?

Ms Peta Seaton: They are soft on illegal brothels.

Mrs JILLIAN SKINNER: As the honourable member for Southern Highlands said, Government members are soft on illegal brothels. Perhaps they are embarrassed about the involvement of one of their own who is running a brothel in the Wollongong area and who has been found guilty of the abuse of children and under-age young women—an issue to which the honourable member referred in this House yesterday. Perhaps it is because they want to protect this grub—a word that has been used in the past by the honourable member for Southern Highlands. That might be one of the explanations. Neville Hilton is not a person that anyone should be protecting. I appeal in particular to the good women on the other side of the Chamber to let their consciences speak to them and to support us in this case.

Perhaps they do not want to vote for this bill because they are ashamed that they have allowed this matter to go unattended for the past 10 years. Councils have been raising these concerns for 10 years. This Government has been in office all that time and it has done nothing. It might also be because of the hideous and cynical approach that this Government takes—that is, not to support anything introduced by the Coalition. If that is the case New South Wales will only suffer. This sensible piece of legislation will help all those who are concerned. It will also amend the Environmental Planning and Assessment Act. The explanatory note to the bill states:

At present under section 121B of the *Environmental Planning and Assessment Act 1979*... local councils may give a person an order to refrain from doing specific things in certain circumstances. **Schedule 1 [3]** amends the Table to section 121B to specifically provide for the giving of an order under that section to cease using premises for the purposes of an illegal brothel (ie in circumstances where the use of the premises as a brothel is prohibited under an environmental planning instrument or where development consent is required but has not been obtained). The order may be given to the owner of the premises or the person by whom the premises are being used as a brothel.

That is an important provision. When council officers knock on the doors of these premises nobody seems to know whether anyone in authority is present. The explanatory note to the bill also states:

Schedule 1 [1] provides that the term *brothel* in the principal Act has the same meaning as in the *Restricted Premises Act 1943*, (namely, premises habitually used for the purposes of prostitution, or that have been used for that purpose and are likely to be used again for that purpose).

That is important. The honourable member for Southern Highlands referred earlier in debate to the unfortunate circumstances confronting an older gentleman who turned up at one of these brothels in the genuine belief that he was going to have a remedial massage, as that was how the place was advertised. However, it offered something that went slightly further than a remedial massage. One has only to look in the classified advertisement section of a number of our suburban newspapers—sadly, mine included—to see that a number of these remedial massage places are being advertised. I hasten to add that I have a good remedial masseur in my area who is conducting a legitimate business—a business that I frequent regularly—but that is not what we are talking about.

We are talking about illegal operators of brothels who are disguising themselves as something else. In the carefully thought-out provisions of this bill—a bill put together by the honourable member for Southern

Highlands—those issues are taken into account. This bill, which is a sensible piece of legislation, gives councils the powers that they need to stop illegal brothels operating in their areas. It will protect the community—young women, old women and children—from the hassles and harassment so often associated with the operation of such premises. Every member in the House should support this bill. I will be proud to let my local community know that all Coalition members support this bill, a Coalition initiative. Sadly, the Government has neglected this area for 10 years and on this occasion it has rejected the bill.

Debate adjourned on motion by Mr Wayne Merton.

KENMORE HOSPITAL SITE SALE

Debate resumed from 16 September.

Ms GLADYS BEREJIKLIAN (Willoughby) [11.30 a.m.]: I support the motion moved by the honourable member for Burrinjuck:

That this House condemns the Government for the secrecy, lack of transparency and lack of accountability to the taxpayers of New South Wales over the sale of the Kenmore Hospital site.

The Government's secrecy, lack of transparency and lack of accountability to the State's taxpayers have been confirmed not only by members in the House but by independent third-party bodies who have regularly made those accusations against the Government. This morning I have several relevant examples from the Auditor-General. First, I draw honourable members' attention to the Auditor-General's performance audit report entitled "Freedom of Information: Ministry of Transport, Premier's Department, Department of Education and Training", which was released in August last year. The Auditor-General refers specifically to freedom of information issues and states:

FOI Coordinators and their staff were supportive of the legislation. However, the agencies examined can do considerably more to fully achieve the intentions of the Act.

The Auditor-General continued:

We believe there is value in making further improvements to address the following issues:

- processing fees being charged in some cases and not others even though a similar amount of work had been undertaken
- little documented evidence of the extent of searching which had been undertaken to locate documents, making subsequent reviews more difficult
- supporting reasons for refusing access to information not always being provided to applicants
- involvement of CEOs or Ministerial staff prior to some determinations being finalised, which opens the possibility for perception of interference and may affect an agency's capacity to conduct an unbiased internal review
- no routine or formal analysis of reviews of decisions to determine whether changes in practice are required
- timeframes not being achieved

That is just one example of this Government's lack of transparency and accountability to the residents of New South Wales. It is no wonder this modus operandi has extended to Kenmore Hospital. The second example I put before the House is in the Auditor-General's performance audit report entitled "Judging Performance from Annual Reports: Review of Eight Agencies' Annual Reports", which was tabled in October last year. On page 5 of the report the Auditor-General explores opportunities for improvement, and states:

Based on our findings, we believe that agencies could improve the transparency and accountability of their annual reports by:

- publishing a comprehensive suite of performance measures in the annual reports ...
- integrating financial and non-financial information to show how resources and strategies influence results
- providing benchmark comparisons
- setting targets

The list continues. The Auditor-General recommends that the Government:

progress amendments to the annual reporting legislation and regulations in line with the proposals outlined by NSW Treasury in its 1998 document ... progress the introduction of legislative requirements for independent validation of performance information reported by agencies, as recommended in our 2000 performance audit.

That is a second substantive example of this State Government's secrecy, lack of transparency and lack of accountability in many areas that impact on the residents of New South Wales. It is unsurprising that Kenmore Hospital is no exception. Thirdly, I refer honourable members to the Auditor-General's report entitled "Financial Audits—Volume Three 2003", which was also tabled in October 2003. In reporting on a compliance review of chief executive officer contracts, the Auditor-General says:

We identified issues of concern with nine of the 16 Chief Executive Officers' contracts we reviewed. Some CEOs did not have performance agreements, other agreements lacked the required accountability criteria and the performance of some CEOs had not been formally appraised.

In addition, one CEO worked for almost 12 months without a contract or a performance agreement. Another CEO worked 20 months under a contract prepared for a former position.

A compliance review of employer responsibilities regarding superannuation revealed that since the Auditor-General's previous review in 2001, agencies had continued to have various problems with employee and employer contributions. Those three examples highlight the Government's absolute secrecy, lack of transparency and lack of accountability in all respects of its governance. Kenmore Hospital is no exception.

Mr JOHN TURNER (Myall Lakes) [11.35 a.m.]: I support this important motion moved by the honourable member for Burrinjuck, who last week spoke most eloquently about the sale of the Kenmore Hospital site and cogently set out the problems associated with it. The honourable member for Monaro, on the other hand, showed all the signs of being quite unsure of his topic. I was surprised when the honourable member entered the debate. I would have thought a fellow with the tags of a "oncer" all over him would confine himself to issues in his electorate rather than speak to this motion and try to score cheap political points against the honourable member for Burrinjuck. I refer honourable members to the Government's general secrecy, lack of transparency and lack of accountability to the taxpayers of New South Wales with regard to site sales across the State. On 13 May 2003 the *Sydney Morning Herald* carried the headline "Carr's blitz: desperately seeking small fortune in State property millstones". The associated article said:

The State Government is embarking on a major project to find, assess, reallocate or even sell off dozens of public buildings and vacant land potentially worth hundreds of millions of dollars.

The Premier, Bob Carr, has given departments and state-owned corporations until the end of the financial year to submit a list of government buildings which could be sold ...

The move comes a year after the Auditor-General released a damning report which revealed that millions of dollars in government real estate had gone missing ...

That should send out all sorts of warning signals. The sale of the St James Centre in 1997 is another good example of the undercurrent of Government secrecy and reveals a marked trend. The Government sold the St James Centre for \$50 million. That sounds like a lot of money but when we learn that the building was transferred to the Government for \$71.5 million in 1992 we must ask what happened and why \$21.5 million was knocked off the sale price. There do not seem to be any reasons for that—and there is certainly no explanation from the Government. The Treasurer simply did a deal in relation to that property.

The site of the InterContinental Hotel is another good example. In September 2003 an article in the *Sydney Morning Herald* headlined "How to lose \$93m on the Sydney land market" revealed how the State Treasurer, Mr Egan, sold the property for \$37 million. Yet in 1991 Mr Egan had the temerity to raise all sorts of objections in Parliament when the Greiner Government announced plans to sell the site for \$130 million. Mr Egan claimed that that price was too cheap. We have not received any real answers about what happened with the InterContinental—it is a bit like the sale of the Sydney showground, which was shrouded in secrecy. I recall that the Government did everything in its power to stop action on freedom of information applications in relation to the sale of the showground to Fox Studios.

Why did that sale occur? The answer to that question comes back to the central core of the motion of the honourable member for Burrinjuck, that is, the lack of transparency and accountability of the Government to the taxpayers of New South Wales. The Government has run roughshod over proper accountability in relation to the sale of public assets. The marina on Sydney Harbour, the home of the yachts, was built on public land leased for 40 years. In 1999 it was sold for \$12 million. It has been shown that the land and marina were worth much more than the amount the Macquarie Leisure Trust paid. Again, nothing has been set out as to why that

arrangement was put in place. It is clear that this Government is not accountable to the people of New South Wales, and it certainly has not been accountable in relation to matters pertaining to the Kenmore site. It is time that the Government came clean and provided the answers sought by the honourable member for Burrinjuck in relation to that matter.

Ms KATRINA HODGKINSON (Burrinjuck) [11.40 a.m.], in reply: I thank all honourable members for participating in this debate. I particularly commend the capable contributions of the honourable member for Willoughby and the honourable member for Myall Lakes, who provided further examples of the lack of transparency, openness and accountability of the Government to the taxpayers of New South Wales. The honourable member for Willoughby outlined some opportunities for improvements that have been highlighted by the Auditor-General in recent times, and I thank her for her valuable contribution. The honourable member for Myall Lakes detailed the sale of various public assets in the metropolitan area and informed us of the revelations by the Auditor-General that millions of dollars have gone missing in real estate deals done by the Treasurer. He highlighted the \$60 million difference between the value and the final sale price of the Intercontinental Hotel site. He referred to the sale of Sydney showground and gave other examples of secrecy around the State.

I again thank those members for their knowledgeable contributions to this worthwhile debate, which has been of great interest to the citizens of Goulburn. I gave notice of this motion nearly 18 months ago, and during that time the importance of this issue in Goulburn has not diminished. It is several years since the issue first came up and it is still of extreme concern to the many hundreds of people in Goulburn who have been thoughtful enough to contact me about it. Some members opposite have criticised me and made me a target because I have had the courage to raise this issue. That merely shows that I am on the right track. When the Australian Labor Party has something to hide, when it knows it has acted improperly, it reverts to type and launches personal attacks against the person who has the courage to raise contentious issues. So be it. We will continue to do so.

However, there is one thing the Labor Party has not done since the time this issue arose, and that is be honest with the citizens of Goulburn. I am the proud representative in this place of the citizens of Goulburn. I frequently raise their concerns in this Chamber, and I will continue to do so. That is what I have done with this motion. I do not care if a few Labor Party apparatchiks get annoyed and upset with me. It is the people of Goulburn who have been denied a say in the future of their largest heritage site. It is the people of Goulburn who have been kept in the dark by the secrecy of the Carr Labor Government. It is the people of Goulburn who have rung me, written and spoken to me in the main street, Auburn Street, to express their concerns about Kenmore. On behalf of those good citizens of Goulburn, I again ask for some honest answers.

Why did the Carr Labor Government sell an important State asset for less than half of its real value? That is a fair question. What is the answer? Why does the Premier refuse to answer a simple question? I asked him a question without notice about it and he promised he would get back to me. I asked why Labor Party councillors on Goulburn City Council other than the mayor were aware of the confidential details of the sale of the Kenmore hospital site before those details were made public by the Premier in March 2003. That is a fair enough question: we want the answer. As usual, the Premier twists and turns in the wind trying to avoid scrutiny. He is good at making the odd fleeting visit to Goulburn, particularly during an election campaign, and saying "Look at me, look at all the jobs that I am giving you". But the people of Goulburn want to know the truth.

Where are the 700 new jobs that the Kenmore redevelopment was to provide? Where are the 109 Corrective Services jobs that he promised for Goulburn? What happened to the FreightCorp railway jobs that his Minister for Transport Services said would be protected? Where is the Corrective Services headquarters for Goulburn that were promised in 1999? Where are the Goulburn jobs in the cook-chill kitchens that were moved to Wollongong last year? How many jobs is he ripping out of the Police College and Goulburn gaol? What happened to the Goulburn railway jobs that have disappeared because he would not protect them in the Australian Rail Track Corporation negotiations? What happened to the local councils that he promised would not be amalgamated? There is example after example of Labor's outright lies to and deceit of the people of New South Wales, particularly those in Goulburn.

Then there is the planning debacle. The council and the developer have both spent significant sums in progressing the plan. Now both the council and the developer are faced with additional costs because the Minister for Infrastructure and Planning cannot read his own rules. Of extreme concern to the people of Goulburn is the latest proposal to allow the sale of the Kenmore site before the approval of the master plan.

Labor's track record of lies, deception and deceit involving the citizens of Goulburn prove that the Government cannot be trusted. [*Time expired.*]

Question—That the motion be agreed to—put.

The House divided.

Ayes, 32

Mr Armstrong	Ms Hodgkinson	Mrs Skinner
Mr Barr	Mrs Hopwood	Mr Slack-Smith
Ms Berejiklian	Mr Humpherson	Mr Souris
Mr Cansdell	Mr Kerr	Mr Stoner
Mr Constance	Mr Merton	Mr Tink
Mr Debnam	Ms Moore	Mr Torbay
Mr Draper	Mr Oakeshott	Mr J. H. Turner
Mr Fraser	Mr O'Farrell	Mr R.W. Turner
Mrs Hancock	Mr Page	<i>Tellers,</i>
Mr Hartcher	Mr Piccoli	Mr George
Mr Hazzard	Mr Richardson	Mr Maguire

Noes, 45

Ms Allan	Ms Hay	Mr Price
Mr Amery	Mr Hunter	Ms Saliba
Ms Andrews	Mr Iemma	Mr Sartor
Mr Bartlett	Ms Judge	Mr Scully
Ms Beamer	Ms Keneally	Mr Shearan
Mr Black	Mr Knowles	Mr Stewart
Mr Brown	Mr Lynch	Mr Tripodi
Miss Burton	Mr McBride	Mr Watkins
Mr Collier	Mr McLeay	Mr West
Mr Corrigan	Ms Megarrity	Mr Whan
Mr Crittenden	Mr Morris	Mr Yeadon
Ms D'Amore	Mr Newell	
Ms Gadiel	Mr Orkopoulos	
Mr Gaudry	Mrs Paluzzano	<i>Tellers,</i>
Mr Gibson	Mr Pearce	Mr Ashton
Mr Greene	Mrs Perry	Mr Martin

Pair

Mr Pringle

Ms Nori

Question resolved in the negative.

Motion negatived.

WORKCOVER LEVY

Mr PETER DRAPER (Tamworth) [11.55 a.m.]: I move:

That this House calls on the Special Minister of State to advise whether the Government plans to expand the WorkCover levy to include compulsory superannuation contributions, directors' fees or termination payments made to separating employees.

More than 16 months ago I called on the Special Minister of State, Mr John Della Bosca, to advise whether the Government planned to expand the New South Wales WorkCover levy as indicated. My question was answered shortly thereafter, on 30 June 2003, when new WorkCover regulations came into force with major changes made to the definition of wages. The reasoning behind my original question was to raise concerns being brought to me by farmers and business operators who feared that the then rumoured changes would make it increasingly

difficult for them to operate successfully in what was then, and still is today, a difficult economic environment. These fears, unfortunately, have been realised.

I acknowledge that WorkCover reform is attempting to address pockets of wage underdeclaration and avoidance touted as contributing to the scheme's debt of \$2.9 billion, but it is now apparent that the legislation pendulum has swung too far, hitting primary producers and small business operators unnecessarily hard in the hip pocket. As outlined by WorkCover, the expanded definition of wages for new or renewed policies now includes "total gross earnings and some payments not generally thought of as wages". I directed my question to the Minister over the expanded WorkCover levy because of concern in the business community that extra payments to be included as wages would further increase the already exorbitant premium rate for employers engaged in farming and manual occupations. And indeed it has.

While they are not generally thought of as wages, WorkCover now lists as remuneration employer superannuation contributions, termination payments, payments to working directors including directors' fees and, of additional concern, trust distributions to workers. In relation to superannuation, all employer contributions to superannuation schemes paid for a worker are now also counted as remuneration. With directors' payments, any payments made to a working director, including directors' fees, are counted as remuneration. If a working director receives a dividend and the dividend is in lieu of wages, those payments also are counted as remuneration.

In relation to termination payments to separating employees, any payments, including lump sum payments, in respect of annual leave, long service leave, sick leave and other related leave loadings are now counted as wages. I must raise the point here that if WorkCover allegedly covers employers against claims made by employees in relation to injuries that occur at work, why is a termination payment, where an employee is no longer working with the employer, deemed as an assessable wage? It simply does not make sense. In reference to trust distributions, WorkCover says it will look at the nature of the trust arrangements when determining whether the payments constitute wages. Under the changes, distributions to beneficiaries for work performed for the trust will now be counted as wages. A distribution constitutes wages if it is remuneration for a beneficiary's work or the distribution is a substitute for wages.

An accounting firm has provided me with an example of how these changes to assessable wages to include superannuation are translating to extra costs for primary producers. In this case the firm considered a sheep farmer who is paying an employee and shearers a combined total of \$50,000 in wages per year. In addition, there is now a compulsory superannuation contribution of \$4,500, at 9 per cent. Because this \$4,500 is now considered as wages, the workers compensation premium has been increased to an incredible \$6,583, or 12 per cent per annum. Businesses cannot afford this impost.

The fact that superannuation payments are now assessable as wages is also proving to be a real burden on farmers who have elected to set up their businesses as family trusts to conduct their affairs. Many farming families find trusts useful for managing their tax as well as giving security in terms of asset protection against creditors. But those families are now facing a financially debilitating situation where WorkCover assesses as wages the profits paid to family members from the trust, as well as the superannuation contributions. Where the regulation fails farmers in this situation is that the hard-won profit from the farm is not a salary. But because they are operating under a trust the money made from the farm is now assessed as wages.

I will give a typical example of a farming couple who operate their property under a trust and make an annual profit of \$50,000, to illustrate the point I am making. The couple each receives \$25,000 and contribute a combined \$20,000 to their superannuation fund. The amount WorkCover assesses as wages is now \$70,000 and with the rate for primary producers sitting at around 10 per cent, the couple now has a \$7,000 WorkCover premium to pay. This scenario is in stark contrast to that of a sole trader who, like this farming couple, does not have any employees but, unlike them, does not have to pay a cent in workers compensation premiums. This is grossly unfair and discriminatory. Primary producers in a trust commonly set aside large superannuation contributions to fund their retirement, so they do not have to rely upon succeeding generations to support them.

According to my source, the extra workers compensation costs in many cases will cause a total rethink of the commercial viability of such arrangements. I believe the changes to be unreasonable and unfair, and to have pushed the concept of what is considered as wages too far. I concur with the view of business owners in my region that "the legislation seems to be aimed fairly and squarely at fixing WorkCover's funding problems at the cost of employers in this state". In fact, the changes to assessable wages have been described by professional advisers of farmers and business owners in my region as "hostile", "obscene", "unreasonable" and "a disgrace", while a more sweeping sentiment has been that "people hate WorkCover".

They are strong words indeed, but I challenge the Minister to attend any one of the WorkCover seminars so generously provided in places like Tamworth that are supposedly designed to "help small business owners comply with workers compensation and OH&S laws". The Minister will hear much feedback to the contrary. I guarantee the Minister will find a group of business people experiencing intense frustration, hardship and a sense of helplessness due to their requirements and obligations under the scheme and the escalating unaffordability of their workers compensation premiums. For the large group of employers who attended a seminar in Tamworth, the feeling toward compliance with WorkCover regulations was very much a case of being damned if they do and damned if they do not. As a result of changes that are being implemented to broaden the net of WorkCover compliance, I submit that many people are tempted to simply break the rules.

I have heard of farmers who are running their operations under a trust but who are not declaring contributions to superannuation, hoping they do not get caught. Many others ignore the regulations, or do whatever they can to get around them, because the general feeling is that if they do pay extra, owing to superannuation being assessable as wages, they are paying substantially more for nothing. For many farmers who run their farm alone without employees, they will never get anything back from the scheme as they are highly unlikely to ever make a claim on their insurance policy. My understanding is that WorkCover is now placing a heavier emphasis on targeting non-compliance, with the number of wage audits being conducted increasing. WorkCover is broadening the net over non-compliance but is forcing law-abiding citizens to break the law. This legislation is making criminals out of decent, hardworking country people.

I have spoken in this House previously about the problems WorkCover is creating for employers in my electorate. There has been a literal flood of representations to my office and also to the Tamworth and District Chamber of Commerce and Industry from business operators and primary producers detailing scenarios relating to WorkCover that are almost beyond belief. Skyrocketing premiums, businesses still paying for claims that are blatantly fraudulent, and hardworking people being forced out of business solely due to the WorkCover premium costs are just a sample of complaints. Soaring workers compensation premiums are also hitting big business hard, with suspect claims lodged by employees at a major meat processing plant in my electorate resulting in their premiums more than doubling. This situation is particularly dire, with the plant facing closure if a solution is not found through government channels to ease a \$1.9 million premium.

Many small business operators are also living with the very real fear of being put out of business due to high premiums. Costs continue to escalate, particularly if there is a claim, but even when the employer is proved to be not at fault the premiums still continue to rise. Farmers are living in fear of not being able to comply with the regulations and having an audit conducted that would almost certainly shut them down. The recent WorkCover seminar in Tamworth revealed a group of business owners who are intimidated by WorkCover and who are experiencing despair over their obligations under the scheme. As such, I argue that there is a strong case for the Government to send a consultant to its series of meetings to learn about the legislation's impact on the ground. Not only would employers be educated in how to comply with WorkCover but the Government would gain a keen insight into the truly detrimental effect this scheme is having on employers.

Having said that, I also point out that the consulting company, McKinsey and Company, conducted a review of WorkCover as part of reforms that were announced in this Parliament in June 2000. When the review came out in October 2003, it listed 57 recommendations that aimed to build a "fair, efficient and affordable" scheme for New South Wales. A New South Wales WorkCover Authority prosecution of a Central West machinery dealer will test the fairness of this scheme. The dealer sold a combine harvester upon which an operator lost his lower leg. This separate but critical WorkCover issue is creating a great deal of disquiet in my electorate among farm machinery dealers and many other dealers. The outcome will have enormous ramifications for the industry and could greatly affect its long-term viability. The scheme has a long, long way to go before it even comes close to achieving fairness, efficiency and affordability. At present it is arduous and very complicated. But I urge the Minister to continue working toward reform by consulting first and foremost with employers. Most are generally supportive of the theory of protection that underlies the legislation, yet they are still being savagely penalised by many unworkable clauses in the legislation's current form.

Mr TONY STEWART (Bankstown—Parliamentary Secretary) [12.04 p.m.]: Honourable members are aware that this Government has given a high priority to improving compliance with workers compensation obligations. Since 2000 the Government has progressively introduced an overall package of compliance initiatives aimed at employers, workers and service providers. For employers, these changes have taken the form of legislation to extend the liability for premium debt to directors of corporations, increase penalties for premium evasion and other failures to comply with workers compensation insurance, make principal contractors liable for their subcontractors' unpaid workers compensation premiums unless they take appropriate steps to

ensure the subcontractors are properly insured, introduce grouping provisions, and expand the definition of wages. These changes have been necessary to improve equity for employers in sharing the costs of the WorkCover Scheme.

The honourable member for Tamworth, Peter Draper, submitted a notice of motion to the House calling for the Minister to advise whether the Government plans to expand the WorkCover levy to include compulsory superannuation contributions and directors' fees or termination payments made to separating employees.

Mr Chris Hartcher: Who wrote this?

Mr TONY STEWART: I am here and I am making the speech. That is good enough for me. The motion has taken some time to come before the House and honourable members will recall that these changes to the definition of wages were introduced under the Workers Compensation Legislation Amendment Act 2002 and have applied to all policies issued since 4.00 p.m. on 30 June 2003. The New South Wales WorkCover Scheme is funded by premiums paid by employers. Policies taken out by employers are assigned to the industry class which most closely reflects the risk profile of the employer, based on their business operations and activities. The basic tariff rate for an industry class is determined each year having regard to the claims made by all the employers in the class. Employers in the industry class then pay a basic tariff premium calculated by multiplying the basic tariff rate by their wages bill.

Under the Workers Compensation Act 1987, wages have always been defined broadly and many of the payments covered generally might not be thought of as wages. The key objective of the wages definition is to achieve neutrality in the treatment of different sources of wages. An employer's premium liability should remain the same, regardless of salary packaging or the employment category of a worker. In other words, the premium liability does not change whether remuneration takes the form of income received from wages, grossed-up fringe benefits or superannuation contributions and so on. This is the concept of economic efficiency: It implies that where wage income sources are treated equally, employers with similar employment costs are treated equally also. To achieve this objective, the definition of wages needs to be kept current to reflect contemporary work practices and remuneration arrangements for workers.

In early 2002 the Government appointed two special advisers who were asked to consider options and make recommendations on measures to improve employer compliance with workers compensation insurance and payroll tax obligations. Specifically, the terms of reference required the special advisers to provide recommendations on amending the definitions of wages that are liable to attract payroll tax and workers compensation premiums to achieve greater consistency between the payroll tax and workers compensation legislation, and to reduce scope for evasion.

The special advisers provided their final report in September 2002. A number of the recommendations contained in the final report were adopted, including changes to the definition of wages. The definition of wages has been expanded to include payments such as long service leave, employer superannuation contributions, and working directors' fees. The approach taken in developing a definition of wages for workers compensation premium and payroll tax purposes was based on the following criteria: first, the adoption of a common definition of wages for workers compensation premium and payroll tax to simplify compliance and reduce compliance and administration costs for employers; second, alignment with and use of the same terminology as the Commonwealth definitions to provide significant compliance benefits and cost savings; and, third, a simply defined, broad definition of wages that is economically efficient.

All this can be summarised by saying that the broadest definition of wages helps to improve equity for employers by ensuring they compete on a level playing field because that provides equity. Following the changes, the definition of wages for workers compensation and payroll tax is both broad and closely aligned. The changes have simplified compliance for employers, so workers compensation wages calculations are made in much the same way as is payroll tax. Narrowing the definition of the wages base would have the effect of increasing the effective rate of premium or tax in order to collect the same total revenue. Broadening the base has the opposite effect. Overall, it is the Government's intention that the changes to the wages definition not only achieve neutrality in the treatment of remuneration paid to workers but also are revenue neutral to the scheme.

Therefore, in conjunction with the introduction of the changes, every single classification rate was reduced by at least 10.3 per cent to take into account the additional payments to workers not previously included. F-factors, which are used to calculate an employer's experience-adjusted premium, have also been

reduced to account for the expanded definition of wages, as I have mentioned. The reduction of 10.3 per cent was determined, based on advice from WorkCover's consulting actuaries. In addition, WorkCover consulted a number of employer associations, which indicated that such a reduction was reasonable. In other words, the changes occurred on a wide consultative basis involving employer groups as the major stakeholders. The ever-so-wise actuaries of WorkCover were also involved in making sure that the figures stacked up on equitable needs. Some employers will find their premiums reduce further, due to a good claims record in their industry, and that is not a bad thing. For example, WorkCover has advised me that the premiums for cotton growing, clothing and footwear retailers, newsagents, pharmacies, underground gold mining and soft drink manufacturing reduced by 24 per cent in 2003-04, due to the offset and as a result of fewer claims. That is a positive result already; a reduction for major industry bases of 24 per cent during the 2003-04 period.

In fact, 39 per cent of New South Wales employers received decreases of 15 per cent or more in their basic tariff rate. That is an important aspect of the change. However, other employers will experience an increase despite the offset—and I have outlined some of the reasons for that—due to a larger number of injuries and claims in their industry. That needs to be understood by the industry bases. I am aware of instances where some employers have claimed that the changes are unfair because superannuation payments are not made to workers compensation claimants or because a worker may be compensated at their award rate exclusive of payments which are included in the wages definition. I have already outlined the reasons for a broad-based wages definition. In addition, I would say to those employers that the benefits available under the WorkCover Scheme are extensive and need to be viewed as a whole, not individually. Weekly benefits are structured to provide an incentive for injured workers to return to suitable work as early and as safely as possible.

In addition to weekly benefits, injured workers are entitled to receive a wide range of additional benefits that have no relationship at all to the workers' wage level. These include payment of medical costs and rehabilitation costs where required, a payment for permanent impairment and, depending on the extent of the injury, a payment for pain and suffering. WorkCover's "Wages Definition Manual" provides guidance for employers regarding the types of remuneration that will be counted as wages when calculating the basic tariff premium. The manual is available from the WorkCover website, or by contacting the WorkCover Publications Hotline, as many do, on 1300 799 003.

Mr CHRIS HARTCHER (Gosford) [12.14 p.m.]: I move:

That the motion be amended by leaving out all after the word "That" with a view to inserting instead:

- "(1) notes changes to WorkCover premiums expanding the definition of wages to include compulsory superannuation contributions, directors' fees or termination payments made to employees,
- (2) notes more recent gazetted changes to WorkCover premiums raising the *f* factor or experience factor greatly increasing the premiums of businesses in New South Wales; and
- (3) calls on the Minister for Commerce to admit that despite promising workers compensation premium rates would not increase, he has done everything in his power to impose higher workers compensation premiums on businesses in New South Wales to boost funds to the failing WorkCover Authority."

Last year the Carr Government expanded the definition of wages to include superannuation, directors' fees and redundancy payments. That increases the amount of money on which premiums are calculated. As a direct result, many businesses have experienced, as the honourable member for Tamworth illustrated, an increase in their workers compensation premiums without an increase in claims or workplace accidents and without an increase in employees. This is the most blatant form of increase; an increase in premiums without giving anything back to the businesses paying them.

This year the Minister for Commerce authorised the gazetting of an increase of the F-factor. Anyone who heard the excellent report this morning at about 6.15 a.m. on the Mike Carlton 2UE radio program would know how the new premiums are starting to flow under the increased F-factor, which are having a devastating affect on aged people's homes. An example was give of the Cardinal's village, which is facing possible closure because of massive increase in workers compensation premiums due to the F-factor increase. The F-factor is one portion of the complicated formula used to calculate workers compensation premiums. The F-factor is the portion of the formula that denotes the experience of the scheme. If the F-factor increases, the premiums of New South Wales businesses go with them.

The Minister gave an evasive answer in the Legislative Council when the Opposition asked him whether he planned to increase the F-factor portion of workers compensation premiums. The Minister of course

knew at that time that he had already planned the increase in F-factor premiums. But instead of simply answering the question the Minister stumbled through a top-of-the-head answer, confusing himself and trying to confuse members of the Legislative Council. He did not want to answer the question. He did not want to admit that his plans were already out, even though he had a chance to do so before he quietly signed the Insurance Premium Order 2004-05. There are two experience factors; two F-factors have been allocated, depending on the type of business involved and the number of employees.

The first F-factor, denoted in the Insurance Premium Order 2003-04 as F90, has a value of 4.4. That was increased this year and the same factor appears in the Insurance Premium Order 2004-05 as F95 with a value of 5.55. Although the wage calculation premium has not risen, the multiplying factor on wage calculations has gone up from 4.4 to 5.55. Most people do not understand how that works, they just get last year's premium and compare it to this year's premium. The Government stands up and piously says, "We have not increased the premium on wages"; no, it has not. What the Government has increased is the F-factor, which is the multiplying factor. The Government has been dishonest and has massively increased insurance premiums for this year.

The adjustments come out in September and are calculated under the F-factor whereas the premiums that come out on 30 June are calculated on last year's wages. The September adjustments will show a sharp increase, as illustrated this morning by Mike Carlton on 2UE. The second F-factor, denoted in the Insurance Premium Order 2003-04 as F91, has a value of 2.9. So, we have gone from 2.9 as the multiplier to 5.55. This was also increased this year and the same factor appears in the Insurance Premium Order 2004-05 as F96 with a value of 3.95. The WorkCover scheme continues to be a black hole for the Government. The Government may claim that its reforms of 2001 have brought the scheme's income and expenditure into parity, but it has done nothing to alleviate the enormous suffering of farmers. The honourable member for Lismore has been a particularly strong advocate for farming and rural communities on the North Coast of New South Wales. The Coalition remains determined to reform this rotten, discredited scheme.

Ms NOREEN HAY (Wollongong) [12.22 p.m.]: Honourable members will be aware that in 2002, as part of its agenda to reform workers compensation in New South Wales, the Government commissioned an independent review into compliance by employers with workers compensation insurance and payroll tax in New South Wales. The final report issued in 2002 made several recommendations. One of the key recommendations outlined in the final report was that the definition of wages for workers compensation and payroll tax be expanded and substantially aligned to include employer superannuation contributions, working directors' fees or payments for unused leave on termination of employment.

The special advisers delivered their final report in September 2002, making a number of recommendations. Some of those recommendations were adopted in legislation passed in December 2002, including: expanding and substantially aligning the definition of wages for workers compensation and payroll tax to include employer superannuation contributions, working directors' fees or payments for unused leave on termination of employment; the introduction of grouping provisions for workers compensation; and the introduction of provisions that place an obligation on principal contractors to check that their subcontractors have appropriate workers compensation coverage. These changes have helped to ensure a level playing field, meaning that the costs of the WorkCover Scheme are shared equally among employers.

The motion of the honourable member for Tamworth called on the Minister to advise whether the Government plans to expand the WorkCover levy to include compulsory superannuation contributions, directors' fees or termination payments made to separating employees. The motion has taken some time to come before the House and honourable members will recall that these changes to the definition of wages were introduced under the Workers Compensation Legislation Amendment Act 2002, and have applied to all policies issued since 30 June 2003.

Premiums paid by employers in New South Wales are used to fund the operation of the WorkCover Scheme. Employers are assigned an industry class that most closely reflects the risk profile in that industry. Tariff rates assigned to those industry classes are based on the claims experience of the industry in which the employer is engaged. An employer's basic tariff premium is calculated by multiplying the basic tariff rate by the total wages. Broadening the definition of wages has achieved greater equity by ensuring that comparable employers are treated equally, regardless of the methods they use to remunerate their workers.

The definition of wages for workers compensation and the definition of wages for payroll tax are now closely aligned. This has simplified compliance for employers, as many of the calculations used and records kept for payroll tax purposes may now also be used for workers compensation. Narrowing the wage base would

have the effect of increasing the effective rate of premium or tax in order to collect the same total revenue, and would provide employers with an incentive to hide wages paid to employees within income sources that do not attract workers compensation premiums or payroll tax. To offset the increase in wages generated by these changes, every industry classification rate was reduced by at least 10.3 per cent. F-factors, which are used to calculate an employer's experience-adjusted premium, were also reduced to account for the expanded definition of wages.

The reduction of 10.3 per cent was determined based on advice from WorkCover's consulting actuaries. In addition, WorkCover consulted a number of employer associations, which indicated that such a reduction was reasonable. Some employers whose industry has a good claims record will find their premiums reduced further. Premiums for cotton growing, clothing and footwear retailers, newsagents, pharmacies, underground goldmining and soft drink manufacturing were reduced by 24 per cent in 2003-04 due to the offset and as a result of fewer claims. Due to a large number of claims and injuries in their industry, some employers will experience an increase in their tariff rate. This is not related to the expansion of wages.

Some employers have claimed that the changes to the wages definition are not fair because some of the elements of wages considered for premium purposes are not reflected in benefits paid when a worker is injured. Weekly benefits are structured to provide an incentive for injured workers to return to suitable work as early and as safely as possible. Additional to weekly benefits, the WorkCover scheme provides a range of other benefits including payment of medical costs and rehabilitation costs, lump sum payments for permanent impairment and, depending on the extent of injury, a payment for pain and suffering.

Mr ROBERT OAKESHOTT (Port Macquarie) [12.27 p.m.]: I support the motion moved by the honourable member for Tamworth and the amendment to that motion moved by the honourable member for Gosford. It is my understanding that the honourable member for Tamworth also supports the amendment and I encourage the Government to do likewise. I wish to outline to the House the concern that has been expressed by local businesses on the mid North Coast related to problems being experienced with WorkCover in general, and with the WorkCover levy in particular. A number of changes have taken place in an attempt, supposedly, to improve WorkCover when the reality is that business is once again paying for a failing government scheme.

I want to take this opportunity to express to the House, to the Government and in particular to the relevant Minister, my view that the WorkCover Scheme is failing and that business is paying the penalty for that failure. There are many examples in my local area of incidents in a workplace despite the employer having done everything possible to provide a safe working environment. Yet, to its surprise, the workers compensation premiums for that business skyrocketed the following year and will continue to increase for many years. Small business is the engine room in New South Wales and Australia. I am talking about staff numbers from one to possibly 12. If a business is hit with significant increases in premiums it will be to the future detriment of the business. I hope the Government is aware of that and is investigating alternative methods to those we have seen put forward thus far.

I recently met with a major boat-manufacturing company in Port Macquarie, Markham Manufacturing, which expressed its concern that some of the new experience factors, which have been mentioned during the course of the debate, have meant that its premiums have gone through the roof and they are affecting the way they conduct business. That company has potential export opportunities it could pursue. It could set up other business opportunities in America, for example. The company is a major boat seller in the Asia-Pacific region, but it does not propose to take advantage of those opportunities because it does not wish to employ additional staff. It wants to stay below the payroll tax threshold—another attack on business in New South Wales. It does not want the impacts that occur when, every now and then, something goes wrong in the workplace. A business as labour-intensive as boat building just does not want to go there and that attitude is stifling business in New South Wales.

I received a letter only recently from a local bus and coach service that employed a casual cleaner who earned approximately \$9,000 a year. The cleaner twisted a knee after turning the wrong way and, unfortunately, owing to a range of factors, the business's premium has skyrocketed. Its previous premium was \$20,600 a year, but that has been adjusted to \$35,000 this year. That simple, unforeseeable accident has resulted in a premium increase of \$14,600. That increase is likely to be perpetuated.

In the words of the bus and coach operator, it "cannot believe this system". It states that it is compulsory to have a workers compensation policy to cover workers and that it is compelled to provide a safe workplace, which it does. That company is being watched carefully to ensure that it does the right thing. If one

of its workers turns or twists the wrong way it is penalised with significant additional expense. In this letter it states that this is a joke and it asks, "What is the policy for?" That is a question that many businesses in New South Wales are asking. We are seeking a better direction from this Minister, who has repeatedly refused to take the hard decisions and who continues to place imposts on businesses. [*Time expired.*]

Mr STEVE WHAN (Monaro) [12.32 p.m.]: Obviously the Government opposes the amendment that has been moved to this motion. Over a number of years the Government and the Minister have been working to reform WorkCover and to ensure that we have in place a scheme that serves our purposes—something that I am sure all honourable members agree WorkCover should be there to do. It should be an effective scheme that does not lose money, that does not cost taxpayers money, but that ensures workers are safe on the job and are compensated if they are injured. Honourable members should not forget the fundamental and core reason for compulsory workers compensation—that is, that we care about workers. No-one in this place would disagree with that statement. However, it is difficult to ensure that we have a scheme that produces the results that we want, that protects workers and that enables the Government to do that without having to outlay taxpayers' money to subsidise it. The Minister has made a number of changes to the scheme—changes that are producing results around the State and that will ensure that we have in place a fair scheme.

Today Opposition members referred to a number of problems in the scheme. People in the area that I represent have come to see me and have told me that they have had difficulties with experience-related premiums. Criticisms have been made about the way in which the scheme works. Today not one Opposition member has offered a scheme that will do the job perfectly and no-one has offered a scheme that will do a better job. The honourable member for Gosford, who has the luxury of being in Opposition, told us about all these supposed problems that people have raised with him, but he did not offer any solution. Opposition members referred also to payroll tax. Earlier, when the payroll tax issue was being debated, the honourable member for Gosford interjected and said, "Just wipe the payroll tax." It is easy for Opposition members to make those sorts of statements.

Mr Thomas George: I made that interjection.

Mr STEVE WHAN: I apologise; the honourable member for Lismore made that interjection. That is typical of the Opposition's economic policies. It deletes \$3 billion or \$4 billion from the budget and does not replace it with anything, and it increases services. It also proposes to cut payroll tax without offering a proper solution. Opposition members are trying to con the people of New South Wales. Members of The Nationals run around the place telling people that they will reduce taxes and simultaneously increase services. That is a recipe for a budget black hole, or a budget deficit. Payroll tax forms a massive part of this State's budget. Despite the comments that Opposition members have made in the community they have never proposed deleting or eliminating payroll tax. Some of the things that they said today just shows what hypocrites they are.

There has been much debate today about the F-factors. I received advice to the effect that this Government managed to reduce the F-factors and it adjusted them when it expanded the definition of "wages". That reduction of 10.3 per cent was determined based on the advice from WorkCover's consulting actuaries. In addition, WorkCover consulted a number of employer associations, which indicated that such a reduction was reasonable. In some industries there have been reduced premiums. For example, WorkCover has advised that premiums for cotton growing, clothing and footwear retailers, newsagents, pharmacies, underground goldmining and soft drink manufacturing were reduced by 20 per cent due to the offset and as a result of fewer claims. In fact, 39 per cent of employers in New South Wales received increases of 15 per cent or more in their basic tariff rate.

Some people will experience increases due to a larger number of injuries and claims in their industry. This evolving scheme is responsive to everyone's needs. I am sure all honourable members would agree that industries should be treated fairly based on their risk. It would be unfair to spread the burden across all levels of industry if those risks were not appropriately taken into account. However, there is always room to improve, and that is what this Minister is doing. It is a tough job but over the years that this Minister has been responsible for the WorkCover scheme he has shown that he is willing to adjust the scheme where necessary. Despite the constant interjections from Opposition members, no solution has been offered. Opposition members talk about reform but it will be just like John Howard's tax reform—it will probably mean more tax. That is not reform; that is just change.

Mr PETER DRAPER (Tamworth) [12.37 p.m.], in reply: I thank all honourable members who contributed to this important debate—the honourable member for Bankstown, the honourable member for

Gosford, the honourable member for Port Macquarie, the honourable member for Wollongong and the honourable member for Monaro. Today they raised many issues that affect the ability of businesses to operate successfully in New South Wales. The honourable member for Bankstown said that the WorkCover premium reflects "a risk profile of their class". What about farmers? Allegedly the risk profile is increasing dramatically, but individual farmers have operated successful businesses for many years without any claims, only to see their workers compensation premiums escalating to the stage where they are simply unaffordable.

Mr Robert Oakeshott: The harder you work the more you pay.

Mr PETER DRAPER: Exactly. As the honourable member for Port Macquarie said, "The harder you work, the more you pay." They are putting money into superannuation to pay for their future so that they will not be a burden on society, but that attracts a penalty of an increased WorkCover premium. There is no such impost for sole traders. Because of the way in which this system is structured at the moment it is inequitable. There are alternatives but they need to be explored. I recognise the reform processes that are being undertaken. The Minister is working towards reform and I applaud him for that. However, that reform must be undertaken in consultation with those in industry who are directly affected.

I refer to another inequity in the WorkCover scheme. WorkCover is supposed to provide cover for employees who are injured at work. By definition, a "termination payment" means that an employee is no longer working for an employer. How then can the payment that is made to that person when he or she ceases employment be used to calculate next year's WorkCover premium? It does not make any sense. No-one can answer that question. If someone leaves a business it affects the WorkCover rate that has to be paid the next year, which is illogical. The inclusion of superannuation in the definition of "wages" is causing great concern in my area. It is incongruous for the State to make workers compensation premiums payable on a form of remuneration that is legislated federally.

Prior to the changes in determining wages, workers compensation premiums were already extraordinarily high in comparison to the premiums in other States. It is not a level playing field; it is totally unlevel. Compare the premiums paid by businesses operating close to the Queensland border with the exorbitant WorkCover imposts on New South Wales businesses. That is true especially in the farming and manual labour sectors of the economy. The one-size-fits-all legislation is causing the demise of many country businesses. That issue must be urgently addressed as part of the reform process. Country people are still battling the effects of the drought, yet workers compensation premiums are proving to be greatest challenge that businesses in country areas have ever faced.

One accountancy practice asked, "Why can a system not be developed where employees pay their own income replacement insurance premiums with a no claim reward?" It suggested that employees could receive discounted loadings from an insurance company in response to the employer introducing safer working conditions or work practices. It believes that a scheme such as that would highlight the enormous cost of workers compensation and income replacement insurances to employees, thus discouraging all the frivolous and fraudulent claims and encouraging dialogue between employers and employees in the interests of improving safe workplace practices and conditions. I am not suggesting that that is the solution, but all points of view should be considered when we are trying to implement a fair and sustainable system of providing for injured workers. As the honourable member for Monaro pointed out earlier, that is a key and critical factor that we must consider.

We must ensure that unsustainable premium levels do not force good businesses to close. I am aware of a growing number of good, solid, long-term, established businesses that used to employ people in the Tamworth electorate but that have now closed. Those business owners have come to me and have cited WorkCover premiums as the main reason for their closure. That trend has to be stopped. Closed businesses do not employ people and country jobs need to be protected. I urge the Minister to consult with the business and farming communities and to listen to those good operators who closed or the good operators who are facing imminent closure because of escalating WorkCover compliance costs. The current system is definitely broke—and not just financially. It must be fixed before any more good business operators are ruined.

Question—That the amendment be agreed to—put.

The House divided.**Ayes, 32**

Mr Armstrong
Mr Barr
Ms Berejiklian
Mr Cansdell
Mr Constance
Mr Debnam
Mr Draper
Mr Fraser
Mrs Hancock
Mr Hartcher
Mr Hazzard

Ms Hodgkinson
Mrs Hopwood
Mr Humpherson
Mr Kerr
Mr Merton
Ms Moore
Mr Oakeshott
Mr Page
Mr Piccoli
Mr Richardson
Mr Roberts

Mrs Skinner
Mr Slack-Smith
Mr Souris
Mr Stoner
Mr Tink
Mr Torbay
Mr J. H. Turner
Mr R. W. Turner
Tellers,
Mr George
Mr Maguire

Noes, 45

Ms Allan
Mr Amery
Mr Bartlett
Ms Beamer
Mr Black
Mr Brown
Miss Burton
Mr Campbell
Mr Collier
Mr Corrigan
Mr Crittenden
Ms D'Amore
Mr Debus
Ms Gadiel
Mr Gaudry
Mr Greene

Ms Hay
Mr Hunter
Mr Iemma
Ms Judge
Ms Keneally
Mr Knowles
Mr Lynch
Mr McBride
Mr McLeay
Ms Megarrity
Mr Mills
Mr Morris
Mr Newell
Mr Orkopoulos
Mrs Paluzzano
Mr Pearce

Mrs Perry
Mr Price
Dr Refshauge
Ms Saliba
Mr Sartor
Mr Shearan
Mr Stewart
Mr Tripodi
Mr Watkins
Mr Whan
Mr Yeadon

Tellers,
Mr Ashton
Mr Martin

Pair

Mr Pringle

Ms Nori

Question resolved in the negative.

Amendment negatived.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 32

Mr Armstrong
Mr Barr
Ms Berejiklian
Mr Cansdell
Mr Constance
Mr Debnam
Mr Draper
Mr Fraser
Mrs Hancock
Mr Hartcher
Mr Hazzard

Ms Hodgkinson
Mrs Hopwood
Mr Humpherson
Mr Kerr
Mr Merton
Ms Moore
Mr Oakeshott
Mr Page
Mr Piccoli
Mr Richardson
Mr Roberts

Mrs Skinner
Mr Slack-Smith
Mr Souris
Mr Stoner
Mr Tink
Mr Torbay
Mr J. H. Turner
Mr R. W. Turner
Tellers,
Mr George
Mr Maguire

Noes, 45

Ms Allan	Ms Hay	Mrs Perry
Mr Amery	Mr Hunter	Mr Price
Mr Bartlett	Mr Iemma	Dr Refshauge
Ms Beamer	Ms Judge	Ms Saliba
Mr Black	Ms Keneally	Mr Sartor
Mr Brown	Mr Knowles	Mr Shearan
Miss Burton	Mr Lynch	Mr Stewart
Mr Campbell	Mr McBride	Mr Tripodi
Mr Collier	Mr McLeay	Mr Watkins
Mr Corrigan	Ms Megarrity	Mr Whan
Mr Crittenden	Mr Mills	Mr Yeadon
Ms D'Amore	Mr Morris	
Mr Debus	Mr Newell	
Ms Gadiel	Mr Orkopoulos	<i>Tellers,</i>
Mr Gaudry	Mrs Paluzzano	Mr Ashton
Mr Greene	Mr Pearce	Mr Martin

Pair

Mr Pringle

Ms Nori

Question resolved in the negative.**Motion negatived.**

[Madam Acting-Speaker (Ms Marie Andrews) left the chair at 12.55 p.m. The House resumed at 2.15 p.m.]

MINISTRY

Dr ANDREW REFSHAUGE: In the absence of the Premier, Minister for the Arts, and Minister for Citizenship, who is overseas, and in the absence of the Minister for Tourism and Sport and Recreation, and Minister for Women, who is recovering from an operation, I will answer questions on their behalf. In the absence of the Minister for Mineral Resources, who is overseas, the Minister for Fair Trading, and Minister Assisting the Minister for Commerce will answer questions on his behalf.

Mr Andrew Tink: Point of order: I need clarification about who is the Acting Premier. I note Mr Knowles had a hard day in the ICAC yesterday—

Mr SPEAKER: Order! There is no point of order.

Mr Andrew Tink: —but he appears to be sitting in the Premier's seat. I just want confirmation—

Mr SPEAKER: Order! The honourable member for Epping will resume his seat.

Mr Andrew Tink: —that the Deputy Premier is in fact the Acting Premier today. I trust from the smile on his face he is, and I trust from the smile on the face of the Leader of the House that the person who is pretending to be the Acting Premier is going nowhere.

Mr SPEAKER: Order! I will be somewhat kind to the honourable member for Epping: I will place him on only one call to order at this stage.

VARIATIONS OF PAYMENTS ESTIMATES AND APPROPRIATIONS 2003-04

Mr Craig Knowles, by leave, tabled variations of the receipts and estimates and appropriations for 2003-04, under section 26 of the Public Finance and Audit Act 1983, arising from the provision by the Commonwealth of specific purpose payments in excess of the amounts included in the State's receipts and payments estimates to the Rural Assistance Authority.

Mr Craig Knowles, by leave, tabled variations of the receipts and estimates and appropriations for 2003-04 under section 26 of the Public Finance and Audit Act 1983 flowing from the transfer of functions between the Premier's Department and the Department of Rural Fire Service.

PETITIONS

Lachlan Electorate Abolition

Petition opposing the proposed abolition of the country electorate of Lachlan, received from **Mr Ian Armstrong**.

Murrumbateman Public School

Petition requesting re-establishment of Murrumbateman Public School, received from **Ms Katrina Hodgkinson**.

Autism Spectrum Disorder

Petition requesting additional support for children affected by Autism Spectrum Disorder in all educational settings in New South Wales government schools, received from **Mr Daryl Maguire**.

Wagga Wagga Electorate Schools Airconditioning

Petition requesting the installation of airconditioning in all learning spaces in public schools in the Wagga Wagga electorate, received from **Mr Daryl Maguire**.

Milton-Ulladulla Public School Infrastructure

Petition requesting community consultation in the planning, funding and building of appropriate public school infrastructure in the Milton-Ulladulla area and surrounding districts, received from **Mrs Shelley Hancock**.

Mature Workers Program

Petition requesting that the Mature Workers Program be restored, received from **Ms Clover Moore**.

Skilled Migrant Placement Program

Petition requesting that the Skilled Migrant Placement Program be restored, received from **Ms Clover Moore**.

Gaming Machine Tax

Petitions opposing the decision to increase poker machine tax, received from **Mr Greg Aplin, Mr Steve Cansdell, Mrs Shelley Hancock, Mrs Judy Hopwood, Mr Malcolm Kerr and Mr Steven Pringle**.

Crime Sentencing

Petition requesting changes in legislation to allow for tougher sentences for crime, received from **Mrs Shelley Hancock**.

Lake Woollumboola Recreational Use

Petition opposing any restriction of the recreational use of Lake Woollumboola, received from **Mrs Shelley Hancock**.

Coffs Harbour Pacific Highway Bypass

Petition requesting the construction of a Pacific Highway bypass for the coastal plain of Coffs Harbour, received from **Mr Andrew Fraser**.

The Alpine Way Upgrade

Petition requesting funding to repair, upgrade and realign eleven kilometres of The Alpine Way between the State border at Bringenbrong Bridge and the beginning of Kosciuszko National Park, received from **Mr Daryl Maguire**.

Road Tunnel Air Filtration

Petition asking the Government to ensure that all Sydney road tunnels are fitted with air filters, received from **Ms Clover Moore**.

Windsor Traffic Conditions

Petition requesting funding for construction of a bridge across the Hawkesbury River, from Wilberforce Road and Freemans Reach Road, connecting to the bridge into Windsor, and the rescheduling of the current roadworks program, received from **Mr Steven Pringle**.

Windsor Road Traffic Arrangements

Petition requesting a right-turn bay on Windsor Road at Acres Road, received from **Mr Michael Richardson**.

Breast Screening Funding

Petition requesting effective breast screening for women and maintenance of funding to BreastScreen NSW, received from **Mr Steve Cansdell, Mr Andrew Fraser and Mrs Judy Hopwood**.

Cremorne Community Mental Health Centre

Petition opposing the proposed relocation of health services provided by the Cremorne Community Mental Health Centre, received from **Mrs Jillian Skinner**.

Coffs Harbour Aeromedical Rescue Helicopter Service

Petitions requesting that plans for the placement of an aeromedical rescue helicopter service based in Coffs Harbour be fast-tracked, received from **Mr Andrew Fraser and Mr Thomas George**.

Blacktown Hospital Children's Ward

Petition opposing the closure of Blacktown Hospital Children's Ward, received from **Mr Paul Gibson**.

Yass District Hospital

Petition opposing the downgrading of existing services at Yass District Hospital, received from **Ms Katrina Hodgkinson**.

Greater Murray and Southern Area Health Services Merger

Petition opposing the merger of the Greater Murray and Southern Area Health Services, received from **Mr Daryl Maguire**.

Alcohol and Drug Services

Petition requesting increased and expanded inner city alcohol and drug services, received from **Ms Clover Moore**.

Mental Health Services

Petition requesting urgent maintenance of and increased funding for mental health services, received from **Ms Clover Moore**.

CountryLink Rail Services

Petitions opposing the abolition of CountryLink rail services and their replacement with bus services in rural and regional New South Wales, received from **Mr Steve Cansdell, Mr Andrew Fraser, Mr Daryl Maguire and Mr John Turner**.

Broadmeadow and Newcastle Rail Services

Petition opposing the closure of rail services from Broadmeadow and the Hunter Valley to Newcastle, received from **Mr Bryce Gaudry**.

South Coast Rail Services

Petition opposing any reduction in rail services on the South Coast, received from **Mrs Shelley Hancock**.

Country Rail Booking Offices

Petition opposing the closure of country rail booking offices, received from **Mr Daryl Maguire**.

Bus Service 311

Petition praying that the Government urgently improve bus service 311 to make it more frequent and more reliable, received from **Ms Clover Moore**.

Murwillumbah to Casino Rail Service

Petitions requesting the retention of the CountryLink rail service from Murwillumbah to Casino, received from **Mr Neville Newell** and **Mr Donald Page**.

Albury Electorate Policing

Petition requesting an increased physical police presence in the Albury electorate, received from **Mr Greg Aplin**.

Gordon Policing

Petition praying that Gordon police station be upgraded and that the number of police operating out of the station be increased, received from **Mr Barry O'Farrell**.

Water Carting Restrictions

Petition opposing the decision by Sydney Water Corporation to restrict the operating times for water carters and not allow Sunday cartage, received from **Mr Steven Pringle**.

Water Tank Subsidy

Petition requesting that the water tank subsidy be extended to rural residents of Baulkham Hills, Hawkesbury and Hornsby local government areas, received from **Mr Steven Pringle**.

Sydney Cricket Ground

Petition requesting that the Sydney Cricket Ground remain the home of cricket in New South Wales, received from **Mr Barry O'Farrell**.

Lismore Fire Service

Petition requesting the provision of a permanently staffed fire service in Lismore, received from **Mr Thomas George**.

Social Program Policy Subsidy

Petition requesting that the social program policy subsidy for sullage removal be extended to residents in the Hornsby local government area, received from **Mr Steven Pringle**.

Brothel Control

Petition opposing the establishment of brothels in the Hills district, received from **Mr Steven Pringle**.

Narara and Somersby Horticultural Research Stations Closure

Petition opposing the proposed closure and relocation of the horticultural research stations at Narara and Somersby, received from **Ms Marie Andrews**.

Temora Agricultural Research and Advisory Station

Petition opposing the closure of the Temora Agricultural Research and Advisory Station, received from **Mr Ian Armstrong**.

Grafton Agricultural Research and Advisory Station

Petition opposing the closure of the Grafton Agricultural Research and Advisory Station, received from **Mr Steve Cansdell**.

State Forests

Petition opposing any proposal to sell State Forests, received from **Ms Katrina Hodgkinson**.

Wagga Wagga Electorate Fruit Fly Control

Petition requesting funding for fruit fly control/eradication in Wagga Wagga, Lockhart, Holbrook and Tumbarumba, received from **Mr Daryl Maguire**.

Pet Sales

Petition requesting a ban on the sale of pets from pet retail outlets, and that such sales be restricted to qualified registered breeders and pounds, received from **Ms Clover Moore**.

Cat and Dog Meat Sale

Petition requesting legislation banning the sale of cat and dog meat for human or animal consumption, received from **Ms Clover Moore**.

Sow Stall Ban

Petition requesting the total ban of sow stalls, received from **Ms Clover Moore**.

Hawkesbury-Nepean River System Weed Harvester

Petition requesting the purchase of a weed harvester for the Hawkesbury-Nepean river system, received from **Mr Steven Pringle**.

Alcohol Wet Centres

Petition requesting the establishment of wet centres in the inner city to provide a safe place for chronic drinkers, received from **Ms Clover Moore**.

Smoke-free Licensed Premises

Petition supporting smoke-free licensed premises, received from **Ms Clover Moore**.

COMMITTEE ON THE OFFICE OF THE OMBUDSMAN AND THE POLICE INTEGRITY COMMISSION**Report**

Mr Paul Lynch, as Chairman, tabled report No. 4/53, entitled "Sixth General Meeting with the Inspector of the Police Integrity Commission", dated September 2004, together with transcript of proceedings and minutes.

Report ordered to be printed.

JOINT STANDING COMMITTEE UPON ROAD SAFETY**Reports**

Mr Paul Gibson, as Chairman, tabled the following reports:

Report on Car Surfing and the Carriage of Unrestrained and Unprotected Passengers on Motor Vehicles, dated September 2004 (Report No. 2/53), together with transcripts of proceedings and submissions
Report on World Health Day 2004 "Road Safety is No Accident"—Wednesday 7 April 2004, dated September 2004 (Report No. 3/53)

Reports ordered to be printed.

STANDING COMMITTEE ON PARLIAMENTARY PRIVILEGE AND ETHICS**Report**

Mr John Price, as Chairman, tabled the report entitled "Regulation of Secondary Employment for Members of the NSW Legislative Assembly", dated September 2004.

Ordered to be printed.

QUESTIONS WITHOUT NOTICE

HONOURABLE MEMBER FOR FAIRFIELD AND MR NABIL GAZAL

Mr JOHN BROGDEN: My question without notice is addressed to the Acting Premier.

Mr Paul Gibson: Get off his back!

Mr SPEAKER: Order! I call the honourable member for Blacktown to order.

Mr JOHN BROGDEN: What action will the Acting Premier take against the honourable member for Fairfield, Joe Tripodi, who, in return for his lobbying on behalf of Gazcorp for the Orange Grove development, was given use of Nabil Gazal's 45-foot luxury motor cruiser for private purposes?

Dr ANDREW REFSHAUGE: Who is the one backing the dodgy development? Who is the one backing Nabil Gazal? Who is the one who has refused to go to ICAC, and hides behind parliamentary privilege? The members opposite are the ones who bring up issues that always fail. They bring up ideas that always crumble. They refer to facts that turn out to be absolute fiction. I believe the record of the Leader of the Opposition for getting things right is so poor that the integrity of his question is probably also in question.

JAMES HARDIE AND ASBESTOS-RELATED DISEASES LIABILITY

Mr BRYCE GAUDRY: My question without notice is addressed to the Acting Premier. What is the latest information on James Hardie?

Dr ANDREW REFSHAUGE: I thank the honourable member for his very important question. It highlights his strong commitment to ensuring that James Hardie's victims receive fair compensation. Since the Government released Commissioner Jackson's report into James Hardie on Tuesday we have heard from the victims, we have heard from the unions, we have heard from Australian Securities and Investments Commission [ASIC], we have heard from State Premiers and the Chief Ministers; and we have heard from the Prime Minister and from Mr Latham, each condemning Hardie's actions, each supporting swift criminal investigations into senior managers.

James Hardie has been remarkably silent. The Premier has challenged James Hardie to respond quickly. Meredith Hellicar should convene a press conference and she should offer to pay unconditionally compensation to all current and future victims. Yesterday, the Premier wrote to all Premiers and Chief Ministers

inviting them to ready their governments for a national ban on the use of James Hardie products in the event that the company fails to reach a satisfactory agreement funding in full, a fair and timely compensation to victims of products made by the James Hardie Group.

The purpose of such a potential ban is not to punish the company for punishment's sake. Commissioner Jackson said in his report that the best ultimate assurance that James Hardie Industries will be able to meet its obligations is its continuing prosperity and business success. The purpose of a potential ban would be to force James Hardie to the negotiating table if it does not accept its moral responsibilities. State and Territory governments are significant customers. I am advised that in New South Wales some \$18 million of Hardie's products are used each year. I understand that that represents about 1 per cent of global revenues, and that Australian governments in total represent up to 4 per cent of global revenues.

I can today advise the House that the Premiers of Victoria, Queensland, South Australia and Tasmania and the Chief Minister of the Northern Territory have all agreed to ready their governments for such a ban. Preparations are under way in New South Wales. The Department of Commerce has been asked to undertake a comprehensive audit of Hardie's products used by government contractors and possible substitute products. I am advised that State and Territory governments are making similar preparations in their own jurisdictions so that we can move quickly and act in unity.

Honourable members will also be interested to hear that the Government has today offered its support to the Australian Council of Trade Unions [ACTU] with a view to imposing an international black ban by building and construction unions on the use of Hardie's products. I understand that there could be legal and logistical hurdles, but the New South Wales Government has offered to assist the ACTU wherever possible. One avenue could be through the International Confederation of Free Trade Unions, based in Brussels. We must keep the pressure on this company to force it to meet its moral obligations.

If union action and consumer boycott on an international scale, drastic as it may seem, is what it takes to bring this company to the negotiating table with a satisfactory offer, then we cannot rule it out. I have heard that significant consumer boycotts are already occurring. I am heartened by ASIC's announcement of criminal investigations. But it is incumbent on the board of James Hardie Industries to offer a genuine settlement quickly—if those board members wish to retain any shred of integrity, any capacity to sleep soundly in their beds at night. I refer to those who were board members in 2001 when the decision was made: Meredith Hellicar, Michael Brown, Michael Gillfillan and prominent Australian and Telstra Chairman, Donald McGauchie. The Australian Government, too, must explore every avenue, chase down every legal rabbit hole, shine the light of legal scrutiny on every possibility of corporate and trade practices law reform to make James Hardie meet its moral duty and ensure a scandal like this can never happen again.

HONOURABLE MEMBER FOR MAITLAND USE OF PARLIAMENTARY LETTERHEAD

Mr ANDREW STONER: My question is directed to the Acting Premier. Aren't you the popular one! What action will you take against the Deputy Speaker and Chair of the Standing Committee on Parliamentary Privilege and Ethics who used his parliamentary letterhead to pressure Dungog Shire Council to fund a \$25,000 upgrade of a road leading only to his private residence and one other weekend?

Mr SPEAKER: Order! I call the honourable member for Murrumbidgee to order.

Dr ANDREW REFSHAUGE: For goodness sake! Where do they get them? They have to find a country question because The Nationals have not asked a country question for two weeks. They set up the Leader of The Nationals to ask this as a major question.

Mr SPEAKER: Order! I know members are looking forward to a three-week break. However, a number of members will be starting that break earlier than expected if their present behaviour continues. Question time will be conducted in the proper way and the standards of the House will be respected. Questions will be asked in the appropriate way and the answers will be heard in silence.

Dr ANDREW REFSHAUGE: With regard to the road, it is a council road with four houses on it. It involves road safety issues. It is quite reasonable for the local member to ask the council to fix the road.

DEMERIT POINTS SYSTEM

Mr PAUL GIBSON: My question is directed to the Minister for Roads. What is the latest information on the demerit system in New South Wales and related matters?

Mr CARL SCULLY: The Chairman of the Joint Standing Committee upon Road Safety (Staysafe) has asked an important question. In late 2002 a review of the penalties for all traffic and parking infringements commenced in response to community concerns that penalties were too complex and inconsistent. An effective demerit points system is an important part of road safety and has shown to be a major contributor to improved driver behaviour. It may not be something honourable members are familiar with, but 75 per cent of motorists have had no demerit points against their licences in the last three years. The fact is that 75 per cent do the right thing and have no demerit points. We need to ensure that we have a coherent, effective penalty system in place for the other 25 per cent before we remove their licences from them.

Drivers who have incurred demerit points are almost twice as likely as those who have not to be involved in a crash. Although the most common number of demerit points registered is three, drivers who have incurred more than five demerit points are more likely to be involved in crashes. A higher percentage of drivers involved in fatal crashes had demerit points incurred against them than those in non-fatal crashes. A well-structured demerit points system is one important way to manage road safety. It is an important means of reminding motorists of their obligations to comply with the road rules and of what happens when they fail to do so.

In July 2003 the Roads and Traffic Authority [RTA] and the Road Safety Task Force placed advertisements in major Sydney newspapers seeking submissions from the public on existing penalties for traffic and parking infringements. A reference group was established consisting of New South Wales police and the Ministry of Police, the NRMA, the Pedestrian Council of Australia, and the RTA. That reference group was formed primarily to evaluate submissions from the public. Harold Scruby from the Pedestrian Council of Australia has persistently raised issues relating to demerit points.

Mr John Brogden: He has done that with other members of the House.

Mr CARL SCULLY: I am pleased to hear that the Leader of the Opposition also gets his phone calls. In fact, I think he has our numbers on direct dial. He is persistent and he insists on being heard.

Mr John Brogden: He is very pedestrian.

Mr CARL SCULLY: He is not pedestrian, but he does represent the Pedestrian Council. The reference group reported back to me in February this year and its recommendations were then evaluated by the Road Safety Task Force. The reference group review found that inconsistencies existed throughout all the offences that were examined. Currently there are 48 categories of offences ranging from \$50 to just over \$2,300, with many relating to an isolated offence category or being unrelated to other offences in a particular category. In order to achieve consistency in traffic and parking offences a new and simplified scheme with 15 levels of offences is to be implemented from 1 February next year.

The scheme will provide a rational order of offences and commensurate penalties. Wherever possible, similar types of offences have been grouped together. In future any new offences will be at any one of those 15 levels. For example, a level 1 offence includes most bicycle and pedestrian offences and attracts a fine of \$50. Speeding at less than 15 kilometres will be a level 5 offence and will attract a \$225 fine. Driving with three unrestrained passengers will be a level 10 offence, and will attract a fine of \$725. In addition, the dollar amounts for fines will be set in multiples of \$25 to make the system easier to understand. That has resulted in reductions in fines for 760 offences.

The review also created the opportunity to examine the existing allocation of demerit points to offences. It found inconsistencies in the allocation of demerit points across all categories. So a number of changes to allocations were proposed and will be implemented. Currently, only driving offences attract demerit points. However, some parking offences are safety related, thus it is only proper that these offences attract demerit points. All members of Parliament should be concerned about those who insist on parking their vehicles very close to, if not right on top of, school crossings. That prevents an adequate line of sight for other people wishing to proceed through the crossing and it can significantly increase the risk of serious injury or fatality to schoolchildren or their parents endeavouring to cross the road.

I propose to apply demerit points to those who park too close to or on a pedestrian crossing. That will attract three demerit points and it will send a strong message to all those who offend. Every morning and afternoon parents rush to school to drop off and pick up their children, but they have to do that in partnership with other parents and those in the school community. I have witnessed people doing that and it is very

dangerous. People must be reminded that if they insist on doing that they will ultimately lose their licences. For the first time council officers will also be able to issue penalty notices for offences that attract demerit points.

Currently, having defective and illegal numberplates attracts no demerit points. As part of the review concerns have been raised that this group of offences is akin to fraud. On a number of occasions motorists have been able to avoid camera detection and, more seriously, they have been able to avoid police enforcement generally. A recommendation has been made that cars that have their numberplates defaced, covered up or that cannot be read properly will attract a fine of \$300 and three demerit points. Another matter of great concern to me relates to those who insist on putting protrusions on their cars. I give as an example people who enjoy fishing who often put fishing rod holders on their bullbars. We have endeavoured to change the design of bullbars so that they are more pedestrian friendly. I have referred to this matter in the House before. It is an important issue.

The earlier design of bullbars captured pedestrians, forced them under a car and killed them. Bullbars are now designed in such a way that if a pedestrian impacts with a bullbar he or she is thrown onto the bonnet and is more likely to survive. If a pedestrian hits one of those fishing rod protrusions he or she will be killed immediately. I think that is an important message. I say to those who enjoy fishing, "Good luck." However, if they put fishing rod protrusions on their cars they will attract demerit points and, if they continue to insist on doing it, they will ultimately lose their licences. To ensure consistency in penalties there have been some reductions in demerit points. Smaller offences will attract reductions.

There has been extensive consultation on these issues. This is a major change to the way in which traffic laws work, how penalties are imposed and how demerit points are attracted to the licences that are held by some motorists. Extensive consultation has occurred with stakeholder groups, the NRMA and the public. It is now time to act and to implement these recommendations. These changes will ensure that each traffic and parking penalty reflects road safety and other serious implications of an offence and they will ensure consistency across all penalties. I have asked the RTA to commence the process of making these regulatory and legislative changes to give backing to the implementation of the recommendations.

Changes will need to be made to computer systems at the RTA, the Infringement Processing Bureau and NSW Police. Those changes are under way. Other changes will commence on 1 February 2005. For those who are interested in the finer detail, I have asked the RTA from tomorrow morning to post a full report of all these details on its web site. I invite members to have a look at its web site. A major publicity program will commence with the release of these new fines and demerit points as part of an attempt to ensure that all motorists are fully aware of these changes.

WASTE SERVICE NSW BREACH OF LICENCE CONDITIONS

Mr MICHAEL RICHARDSON: My question without notice is directed to the Attorney General, and Minister for the Environment. Does he stand by his comments that the dumping by Waste Service NSW of 4,000 tonnes of toxic sludge containing up to 15 times the allowable concentration of oil and thousands of litres of organochlorins was not illegal when Environment Protection Authority Deputy Director-General, Simon Smith, stated that Waste Service NSW "broke the law"?

Mr BOB DEBUS: I wonder how many other questions the honourable member might ask on behalf of commercial interests.

Mr SPEAKER: Order! I call the Deputy Leader of the Opposition to order. The Minister has the call.

Mr BOB DEBUS: One ought to bear in mind that there is a long and colourful history of claim and counterclaim between commercial waste companies. I urge honourable members, not least the honourable member for The Hills, to consider allegations that are brought to their attention in the context of the cut and thrust of aggressive, competitive commercial practices. That being so, I merely say this about the question of Waste Service NSW and the liquid treatment plant: There was an incident in October 2003.

Routine monitoring conducted by Waste Service established that stabilised residue produced by that plant was not meeting the standards required by the Department of Environment and Conservation—the old Environment Protection Authority—which regulates the industry, as was required by the licence of Waste Service. It reported that information to the department, the department's regulatory division commenced action both to investigate the breach and to require Waste Service to ensure that there would be no environmental

harm. The department established an independent investigation. I am advised that this inquiry established that there is no evidence that the breach poses a risk to human health or had an adverse effect on the environment.

Mr SPEAKER: Order! The Deputy Leader of the Opposition will cease interjecting.

Mr Barry O'Farrell: You are going to kill someone.

Mr BOB DEBUS: It is not going to kill somebody; that is the point that I made. The honourable member said that it was irrelevant. A fine for a breach of licence conditions was issued in August this year. That was consistent with the department's prosecution guidelines and with the penalties that are imposed on other sections of the industry for similar licence breaches. I am advised that Waste Service is working co-operatively with the department to ensure that those compliance issues are resolved. In other words, there has been a perfectly appropriate response to this breach of conditions by the Department of Environment and Conservation.

SYDNEY HARBOUR FORESHORE PUBLIC ACCESS

Mrs BARBARA PERRY: My question is addressed to the Minister for Infrastructure and Planning. What is the latest information on projects to improve public access to the Sydney Harbour foreshore?

Mr CRAIG KNOWLES: The Government's \$10 million five-year Sharing Sydney Harbour Access Program is now in its second year. The program is managed through the Department of Infrastructure, Planning and Natural Resources in partnership with the Sydney Harbour Foreshore Authority and the New South Wales Maritime Authority, with matching funding from local councils. As a result there will be \$20 million to improve public access to the harbour between Sydney Heads and Parramatta. I know that the honourable member for Auburn, and indeed other honourable members whose electorates front onto the harbour foreshore and the Parramatta River, is aware of how valuable this program has been in its first year, building new walking tracks and cycleways, improving boat ramps and adding to the open space and parklands. At 11 sites up and down the harbour the funding is providing new or improved small boat facilities, with pick-up and set-down wharves. There will be jetties and pontoons at another eight locations.

I advise the honourable member for Auburn that this year foreshore improvements will be worth at least \$2.8 million and will benefit a number of councils up and down the harbour, from Sydney Heads to Parramatta. A total of 18 projects will receive funding under this year's Sharing Sydney Harbour Access Program. Auburn Council is at the top of the list and will receive \$156,500 to build a boat pontoon at Silverwater and develop a village green at Wilson Park. The honourable member for Auburn told me just the other day that she visits Wilson Park on the weekend. It is a very busy picnic area for local residents, and this money will continue to improve it. I understand that extensions will be made to the boat pontoon so that people may canoe off it and that some picnic facilities will also be embellished. That is terrific for local Auburn residents. Anyone who lives in that part of the world will understand the value of open space. Improvements to the Parramatta River were made during and after the Olympic Games, and this is another great addition to a quality part of Sydney, which is revitalising itself.

Mr Ian Armstrong: Joe Tripodi could launch his boat there.

Mr CRAIG KNOWLES: Yes, he could. The Central Sydney Area Health Service will receive \$246,000—this is a terrific opportunity for the Minister for Health, who has been a strong advocate—to complete the missing link in the Bay Run walking and cycling facility at Callan Park. To the best of my recollection, this money will go towards completing almost the entire loop around the bay. Anyone who has visited Haberfield or Rodd Point or walked through Callan Park and over the Iron Cove Bridge in the early morning or on the weekend will know the beauty of that part of our city. It was one of the views beamed to the world during the Olympics, as the marathon route passed the Haberfield Rowing Club. The Bay Run around that beautiful area, which is now enjoyed by thousands of Sydney citizens, will be embellished by funding of almost \$250,000 that has been handed to the area health service to upgrade and complete its part of the cycling and walking tracks around the bay.

Leichhardt Municipal Council does not miss out either. It will receive a little more than \$81,000 for a variety of works, ranging from a new boardwalk and stairs on the water's edge around Balmain High School—anyone familiar with that part of Sydney will know that there is a steep slope on the western side of Balmain High School to the water—and dinghy storage racks and landscaping at Duke Street Reserve. Those works will open up that area to the public. Residential accommodation is continuing to intensify in that part of the Leichhardt municipality and it will give residents a terrific opportunity to access the harbour foreshore.

At Manly—the honourable member for Manly is in the Chamber—funding of \$103,575 will go towards revitalising Little Manly beach by constructing disabled access pathways, additional dinghy storage facilities and a divers' gathering platform. I suspect that the Deputy Premier will appreciate that improvement, given his love of diving. It will be a beautiful addition to Little Manly beach. Manly Council will also receive joint funding with the National Parks and Wildlife Service—the Attorney General, and Minister for the Environment advocated for this—to provide visitor facilities, seating and bicycle tracks at Seaforth Oval and upgrade Timbergetters Track to improve access to the picnic facilities at Bantry Bay wharf.

There is a long list of projects, and I intend to go through them. These are great wins for local councils and much of the credit goes to them for their advocacy on behalf of their parts of the harbour foreshore. For example, in a terrific combined effort—that is almost unheard of in some local government areas—Marrickville and Ashfield councils will receive \$61,000 to develop the Cooks River to Iron Cove greenway link. Anyone familiar with that part of the world will remember how degraded Cooks River used to be. I remember how many years ago people could almost walk across the river on the roofs of the cars that had been dumped in it. These days the Cooks River has been massively upgraded, and that is a great credit to government agencies and to local councils along the estuary. Upgrading cycling facilities on the Cooks River to Iron Cove greenway link is part of a much bigger proposal that will involve taking the next step in that magnificent highly aspirational project, the track along the Hawthorne Canal. I visited the area recently with the mayor of Ashfield and we inspected the canal site. Imagine what it will be like: There will be a cross-regional link between the southern inner-western suburbs across to Haberfield that will then link into the Bay Run. We are getting a clear picture of the strategic allocation of funding that will be used to link parts of our harbour and ensure that the citizens of Sydney can access them from almost any point.

Canoe-launching facilities will be provided at O'Connell Street, Parramatta. I know that the honourable member for Parramatta is fascinated with this project, which will be funded to the tune of \$200,000. One of the missing links in the Parramatta Valley cycleway will be completed. The honourable member for Parramatta advocated strongly for funding to establish the canoe-launching facilities. They will be terrific. Anyone who has visited that part of the world in recent times will understand the importance of the O'Connell Street precinct to local people who use Parramatta River. Like the Cooks River, there was a time when that part of the Parramatta River was a seething, sludgy wreck. The efforts of State Government agencies, in partnership with local councils through programs such as this, have resulted not only in the return of ferries to the river but in vast improvements in the quality of the waterway, the estuarine environment and fish-breeding habitats in the mangrove and wetland areas. That is all due to these sorts of programs.

City of Sydney council—the Lord Mayor of Sydney, the honourable member for Bligh, is in the Chamber—will receive \$100,000 for water access as part of the Glebe foreshore project. Willoughby City Council will now be able to construct 1.5 kilometres of new foreshore bushland walking tracks to improve further access to the magnificent views of Middle Harbour at Castle Cove, Crag Cove and Sailors Bay. According to information for overseas tourists that I was reading the other day, the Middle Harbour walk is a world-renowned urban walk of which we should be very proud. This additional funding for the construction of a further 1.5 kilometres will be a magnificent addition to the recreational opportunities for Sydneysiders. We are opening public land to public access and repatriating much of our harbour foreshore for public use.

On the same side of the harbour—I think this is a boomer—Taronga Zoo and Mosman council are receiving joint funding to construct a walkway around Sirius Cove based on the very old and famous walk taken by the Curlew Camp artists. The honourable member for Lachlan was probably there when those artists took that walk about 120 years ago. I am sure he was there, painting harbour landscapes too. At that time, when he was probably 20 or 30 years old—

Mr Ian Armstrong: I was 17.

Mr CRAIG KNOWLES: He was 17. The honourable member for Lachlan probably thought, "One day somebody might build a foreshore walk around Sirius Cove to remember my efforts and those of the famous artists who formed part of the Curlew Camp." The walkway will link all the existing walking trails at Cremorne Point with the zoo. In Ryde there will be new money for public access that leads from Deeble Street to the head of Glade's Bay and the Mitchell Park, whilst Lane Cove and North Sydney receive funding for upgraded access to their boat ramps. As I said, it is a well-targeted \$2.8 million program done in partnership with our harbourside councils. Each and every one of them makes a real difference to the amenity of our harbour and the ability of the public to use it. The Sharing Sydney Harbour Access Program is about sharing our harbour and making sure one of the world's great urban icons is available for everyone. It forms part of our planning for Sydney Harbour as part of the metropolitan strategy.

The Sydney Harbour Catchment Plan, which was publicly exhibited during June and August, addresses issues to make Sydney Harbour a place for all the community. I am sure honourable members would be interested in more detail about the Sydney Harbour regional environment plan [REP], which applies, of course, to the hydrological catchment of the harbour, with detailed provisions for the waterways and the immediate foreshores of the harbour. The draft REP seeks to consolidate and replace three existing harbour planning instruments. That is good because it again cuts down on red tape, removes superfluous regulation and brings together some of the regulatory instruments. The Minister for Energy and Utilities understands this only too intimately. I am sure he understands the detail of State environmental planning policy [SEPP] 56, Sydney Harbour Foreshores and Tributaries, and State regional environmental policy [SREP] 22, as opposed to State regional environmental policy 52.

Mr SPEAKER: Order! There is too much audible conversation in the Chamber.

Mr CRAIG KNOWLES: I know they are not interested. All these toffs with their harbour electorates are not interested. It brings together SEPP 56, SREP 22 and SREP 23, and the draft development control plan [DCP] updates the existing DCP for SREP 22 and SREP 23 to ensure consistency with the draft harbour REP. A further more comprehensive review of the DCP will be undertaken at a later stage. The exhibition of the catchment plan received 153 submissions, which are now being analysed prior to consideration and gazettal over coming months.

ASHFORD EMPLOYMENT AND INVESTMENT

Mr RICHARD TORBAY: My question is directed to the Minister for Regional Development. What assistance has been provided to help Ashford in the Northern Tablelands to create new local jobs?

Mr DAVID CAMPBELL: I thank the honourable member for his question and for his ongoing interest in the small Ashford community in the Northern Tablelands and in regional development jobs issues throughout the whole of his electorate.

Mr SPEAKER: Order! I call the honourable member for South Coast to order.

Mr DAVID CAMPBELL: The Government is committed to working with regional communities to create new local jobs and encourage investment and growth. And we have been working with the Ashford community in the Northern Tablelands region to do just that.

Mr SPEAKER: Order! I call the honourable member for Upper Hunter to order.

Mr DAVID CAMPBELL: Honourable members will be interested to know that we have provided financial support to a Queensland company to help it relocate to Ashford. It is an exciting move for the Ashford community and indeed for the Northern Tablelands region. Fertiliser manufacturer IQ Ag was previously based in Milton in Queensland. The company is known for its biological and organic fertilisers, which are sold nationally, in New Zealand and to buyers in the United States of America. It is a dynamic young Australian-owned company. In its first 14 months of operation the turnover of the company was more than \$1.3 million. As a result of growing demand, the company decided to move and expand to Ashford.

The move will create up to 15 new local jobs during the next two years. I remind the House and reinforce that this is a relocation from Queensland to Ashford in New South Wales. I know that some members opposite would not have a clue where Ashford is, but certainly the honourable member for Northern Tablelands has been very active in supporting this project. It is good news for local families and local businesses. More local jobs will be created if this company goes ahead with plans for an irrigated horticulture project. I congratulate IQ Ag on its decision to base operations in Ashford. I congratulate Inverell council on working with this company to encourage new investment and jobs in its region and in attracting investment from Queensland to New South Wales.

PUBLIC HOSPITAL FUNDING

Mr ALLAN SHEARAN: My question is addressed to the Minister for Health. What is the Government's response to community concerns about the funding of New South Wales public hospitals?

Mr MORRIS IEMMA: I thank the honourable member for Londonderry for his question and welcome his support for public hospitals in New South Wales. I inform the House that the State Government

welcomes and supports the Latham hospital plan released yesterday. Yesterday we saw the clearest distinction yet in this Federal campaign. On the one hand we have a Federal Labor plan that takes a national approach to national issues, solving what are national problems for our public hospitals in a co-operative way, engaging with the States—that is the Latham plan of more support for our public hospitals—and on the other there is a tired old conservative Government in Canberra that will not even acknowledge that our public hospitals are deserving of more support.

It is no coincidence that yesterday's figure was \$1 billion because that is the same amount of money that John Howard ripped out of public hospitals in September last year. It is no coincidence that the Latham plan begins by putting back the \$1 billion that a tired old conservative Government will not even acknowledge. That \$1 billion will help in a co-operative way to build on the initiatives that we have started in easing access block, funding more beds and tackling the issues of reducing waiting times in our emergency departments. It will provide more support for our emergency departments. It is a new bold plan to invest in more training of Australian nurses and doctors to work in our public hospitals, particularly in rural and regional New South Wales. The most encouraging initiative of all the plan looks at providing better support for our emergency departments by giving families better access to basic health care after hours by co-locating general practitioner [GP] clinics in or near our emergency departments. The plan builds on the very successful five clinics operating in the Hunter.

Mr SPEAKER: Order! I call the honourable member for Coffs Harbour to order.

Mr MORRIS IEMMA: It builds on the pilot started at Maitland three years ago and stands in stark contrast to the Commonwealth Minister's approach whereby, despite the fact that we have had one clinic in Maitland going for three years, Tony Abbott and John Howard want another pilot. Compare that to yesterday's announcement of \$122 million for a comprehensive roll out of GP clinics inside our emergency departments to give families better access to after-hours health care, basic health care which has been denied to them as a result of the collapse of bulk billing and the crisis in Medicare. It is no wonder that thinking outside the square has led to a ringing endorsement from our most senior health care professionals of this plan. Professor John Dwyer, Chairman, National Public Hospitals Clinicians Task Force—remember the task force so appallingly derailed by Senator Patterson—said:

The policy was a welcome sign that [Federal] Labor was serious about supporting our public hospital system.

Then, from the non-government health sector, Francis Sullivan, from Catholic Health Australia, said:

[Federal] Labor's plan would ease the long waits which faced more than a million patients in emergency departments.

That is more support for our hospitals, more support for our emergency departments. He also said:

... the package would boost Federal funding to public hospitals by 2.3 per cent and lift the number of medical graduates by 76 per cent by 2012.

That is a serious investment in training more Australian doctors for Australian public hospitals. Health economist Leonie Segal, Deputy Director of the Centre for Health Economics at Monash University, also welcomed the additional public hospital commitments. The Latham plan is a national plan, a national assault to ease the pressures on our public hospitals and our emergency departments. I can say as part of the State Government that we welcome the opportunity to work with a Latham Labor government to provide additional support for our public hospitals. In particular, the following emergency departments stand to benefit from the co-location of GP clinics: Bathurst, Blacktown, Canterbury, Fairfield, Gosford, Hornsby, Lismore, Liverpool, Nepean, Orange, Ryde, Tweed Heads and Wyong. That is the list of hospitals at which John Howard and Tony Abbott refuse to support an after-hours clinic in emergency departments.

Mr SPEAKER: Order! I call the member for Coffs Harbour to order for the second time.

Mr MORRIS IEMMA: That is the phase one list which John Howard and Tony Abbott refuse to support. Yesterday's announcement also committed a Federal Latham government to funding of additional MRI machines in our public hospitals. That is something that John Howard has consistently refused to do. As a result of yesterday's announcement, additional support for our public hospitals will mean that finally Gosford hospital, Wollongong hospital and Concord hospital will get licences to operate their MRI machines.

Mr Brad Hazzard: What about Manly hospital?

Mr MORRIS IEMMA: Ask me a question about Manly hospital. Labor's national plan also commits the Latham Government to addressing chronic medical work force shortages. This is of course a matter that has been raised constantly in this House, while the Commonwealth Government sits back and denies that there is a problem with the national work force. We have a Commonwealth Government that does not even acknowledge there is a problem; it does not even acknowledge that there is a nurse shortage and a doctor shortage. The AMA has said consistently that this nation is 3,000 doctors short, but the Commonwealth Government does not even acknowledge that there is a problem. We need 40,000 nurses by 2014, and Brendan Nelson's response is that there is no problem. The AMA says that we are 3,000 doctors short, and Tony Abbot says we do not have a problem. Well, yesterday's plan commits a Federal Labor Government to providing an additional \$30 million for extra registrar training and \$17.5 million for additional medical specialist outreach programs—more registrars, more outreach programs, more doctors, and more nurses for rural and regional hospitals.

Federal Labor commits to funding an additional 754 new places in medical schools and 700 undergraduate nursing places for rural and regional hospitals as well as our metropolitan hospitals. No wonder, with that kind of investment, Dr Page gave it a ringing endorsement. The election on 9 October is going to be a referendum on our public hospital and public health system. It is the last chance to save Medicare, because after eight years of John Howard taking the scalpel to Medicare we know that if he gets one more chance he will finish the job of destroying Medicare. And, once he does, it will never come back.

HORNSBY AND KU-RING-GAI MENTAL HEALTH BEDS

Mrs JUDY HOPWOOD: My question without notice is directed to the Minister for Health. Why as late as this morning was Hornsby hospital forced to accommodate six mental health patients in the accident and emergency unit and hire two security guards to protect the other patients and health workers, because of the acute shortage of mental health beds in New South Wales?

Mr MORRIS IEMMA: I am surprised the honourable member for Hornsby has asked me that question following my answer to the last question. Firstly, in relation to mental health beds, there were 118 extra beds in 2002 as part of the accelerated bed program, and an additional 118 last year, and by 2006-07 there will be another 383 additional acute care beds. An additional \$241 million was allocated in this year's mini-budget to continue funding acute beds, sub-acute beds, community care places—starting with the rollout later this year, when we go to tender for 400 community care beds and places, to stop a personal crisis occurring in the first place, to keep people out of emergency departments. That is the fourth initiative. The fifth one is the establishment of emergency psychiatric assessment centres inside our emergency departments, backed with specialised emergency mental health teams in our emergency departments.

Mrs Judy Hopwood: Point of order: What can the Minister offer these six patients?

Mr SPEAKER: Order! There is no point of order.

Mr MORRIS IEMMA: All of the above, and the additional advice that if you are serious about mental health funding, public hospital funding or emergency department funding, how about you get on the phone and ask John Howard to join in a national effort and a national commitment to restore funding?

Mrs JUDY HOPWOOD: I ask a supplementary question. How can Hornsby hospital's accident and emergency unit be expected to cope when last week more than half of the 10 acute beds were taken up by patients with a serious mental illness?

Mr SPEAKER: Order! That is clearly a separate question.

RURAL AND REGIONAL MEDICAL WORK FORCE RECRUITMENT

Mr JOHN BARTLETT: My question without notice is directed to the Minister for Health. What is the latest information about clinical placements in rural and regional New South Wales and related matters?

Mr MORRIS IEMMA: Mr Speaker—

Mr Brad Hazzard: Is this when you are going to talk about Manly hospital?

Mr MORRIS IEMMA: Only when you ask me a question. There can be no doubt—

Mr Brad Hazzard: Point of order: I have been invited on a number of occasions to ask a question about Manly hospital. So, on behalf of the people of the northern beaches, I ask the Minister: When are you going to give us the money for a new hospital on the northern beaches?

Mr SPEAKER: Order! The honourable member for Wakehurst is grossly out of order. I place him on three calls to order.

Mr MORRIS IEMMA: There can be no doubt that we have a national and international shortage of medical, nursing and allied health staff. Despite this shortage, I am pleased to inform the House that many of our rural and regional health services are making excellent progress in attracting highly specialised health workers to remote and regional New South Wales. Improved medical technology in coastal and country New South Wales, as well as a \$173-million capital works program this year alone, is helping to attract to those areas this badly needed work force. I would like to give the House some examples of the successes in recruitment.

I will give some examples of recent recruitment of medical specialists to rural and regional New South Wales, which I am sure the honourable member for Upper Hunter would be keenly interested in, particularly in light of all the questions that he puts on notice regarding the medical work force. An ear, nose and throat surgeon has been appointed to Dubbo. For the first time in six years, this speciality will soon be provided by a local physician—rather than spending vital resources on flying in surgeons from Sydney. An environmental health officer has been appointed at Dubbo to provide vital public health services for the region.

Mr Andrew Fraser: What have you got for Coffs Harbour?

Mr MORRIS IEMMA: Coffs Harbour is on the list. Paediatric services in the region are being expanded by the recruitment of an additional staff specialist paediatrician and the likelihood that a third paediatrician will be appointed in the coming months. At Coffs Harbour a new appointment of a urologist will take place in January, thereby enabling urology services to be provided locally and reducing the need for patients to travel to Port Macquarie or Sydney for treatment.

Mr Ian Armstrong: Point of order: Could the Minister inform the House how he will get three general practitioners for Young as a matter of urgency?

Mr SPEAKER: Order! There is no point of order.

Mr Ian Armstrong: Support the people of Young!

Mr MORRIS IEMMA: Talk to Tony Abbott. An orthopaedic surgeon has been appointed to work at the Bathurst Base Hospital. For the first time since 2001, booked orthopaedic surgery will be completed on a regular basis at the Bathurst hospital, and that is great news for the Bathurst community. Two general surgeons were appointed last month.

Mr Andrew Constance: What about orthopaedics for Bega?

Mr MORRIS IEMMA: It is timely that the honourable member for Bega should interject at this point. Two general surgeons were appointed last month at Batemans Bay and Moruya hospitals. What a terrific example of a government's commitment to Batemans Bay and Moruya hospitals! The positions have been vacant for over 12 months. I am very pleased to inform the House that Batemans Bay and Moruya will have two general surgeons. On the Mid North Coast, Taree medical services at the Manning Base Hospital have been boosted with the appointment of an intensivist for the critical care unit. This appointment will assist to upgrade the medical infrastructure of the critical care unit. In New England at the Armidale hospital, there will be two additional general practitioners.

Mr Adrian Piccoli: What about Griffith?

Mr MORRIS IEMMA: Another day. Two general practitioners have begun their rural general practitioner [GP] procedural training at the Armidale health service. This is a first for Armidale hospital, which now participates in our rural GP procedural training program. These positions will mean that there will be more doctors in training in regional centres and that more doctors will be developing a relationship with regional and rural New South Wales. That means that more doctors are likely to return to country and coastal areas later in their careers.

As the honourable member for Auburn mentioned last week, this comes on top of the announcement of and investment in cardiac services for the people of Orange. These are significant achievements that indicate significant success in the recruitment of additional medical staff to our regional and rural hospitals. This Government is proud of this State's doctors and nurses who work in rural and regional hospitals and who do an outstanding job under very difficult circumstances. Those circumstances were not made any better last week by the behaviour of the Leader of The Nationals. Last week he asked a question laced with venom towards the nurses at Wauchope hospital about an unfortunate incident.

Mr Adrian Piccoli: Point of order: My point of order relates to relevance. That was nothing like what the Leader of The Nationals said. The Minister should withdraw the aspersion he has cast on the Leader of The Nationals.

Mr SPEAKER: Order! I call the honourable member for Murrumbidgee to order for the second time.

Mr Adrian Piccoli: All the members in this place appreciate the fabulous nurses in New South Wales. The Minister's comments are beneath him.

Mr SPEAKER: Order! There is no point of order.

Mr MORRIS IEMMA: The Leader of The Nationals hit the media with gusto. I obtained additional advice on this matter. I inform the House that I am advised that the video timer of the incident shows that the time that elapsed between when Mr Radford first banged on the door and the nurse walked down the steps towards the car was 1 minute and 54 seconds. That is the information obtained from the video, and there is also an independent witness to the incident, Mr Norm Young.

Mr Ian Armstrong: Are you calling this couple a liar?

Mr MORRIS IEMMA: No, not at all. Mr Radford was rightly distressed and concerned, but what is of more concern is the behaviour of the Leader of The Nationals. A patient by the name of Norm Young had this to say:

I was frightened for myself, and the nurses would have been frightened for themselves and the care of the other probably 30 patients that were in the hospital which consisted of a lot of old people.

The advice and information that has come forward shows quite clearly that this was an unfortunate incident. The nurses followed a correct procedure. Mr Radford was right to be concerned, but the nurses followed the correct procedure.

Mr Andrew Stoner: Point of order: The Minister has the opportunity to resolve this issue by tabling the security video.

Mr SPEAKER: Order! The Leader of The Nationals will resume his seat.

Mr MORRIS IEMMA: Mr Radford was rightly concerned. The nurses followed correct procedure, and an independent person has given an account of this incident. What this shows is that the Leader of The Nationals was not justified in criticising the nurses. He made a negligent and reprehensible attack on the nurses. There was no evidence to support the Leader of The Nationals doing what he did and fuelling speculation in the media in the way he did. Mr Radford was rightly concerned. The fact of the matter is that the Leader of The Nationals simply cannot accept that it was an unfortunate incident.

Mr Andrew Stoner: Are you calling the parents liars—yes or no?

Mr MORRIS IEMMA: No, not at all. The Leader of The Nationals simply cannot accept that it was an unfortunate incident. The nurses do not deserve condemnation because they followed correct procedure and they would have expected some support.

Mr Andrew Stoner: Point of order: The Minister is misleading the House. At no stage did I ever condemn the nurses.

Mr SPEAKER: Order! There is no point of order. The Leader of The Nationals will resume his seat.

Mr MORRIS IEMMA: He was reported in his local paper and he was on Channel 7 on Friday, calling for a full inquiry into what was just an unfortunate incident. Two nurses followed the correct procedure and a man whose wife had given birth was distressed and concerned. The Leader of The Nationals just cannot accept that it was just an unfortunate incident.

UNLICENSED HOME BUILDERS

Ms REBA MEAGHER: On 13 May I was asked a question about home building. I now provide a supplementary answer. On a number of occasions I have referred to the devastating impact that shonky builders can have on unsuspecting homeowners.

[Interruption]

There are over 30 home building complaints in the Leader of the Opposition's electorate. Does he care about any of this? I do not think he does. On a number of occasions I have spoken about the devastating impact that shonky builders can have on consumers by destroying their dream. The Office of Fair Trading has an ongoing compliance program to crack down on shonky operators. I inform the House that the Commissioner for Fair Trading recently took action against Pobjie Agencies Pty Ltd, trading as Prouds Homes Improvements. On 6 August 2004 the commissioner issued a formal notice to suspend its building licence for 60 days, pending the completion of a major investigation into the company's operations.

By having its building licence suspended, Prouds was prohibited from entering into new contracts. For those projects already started, two building inspectors were appointed up until 15 September 2004 to co-ordinate the completion of the work, if it became necessary. On Friday 22 August 2004 the company entered voluntary administration and on the same day the Home Building Service was successful in obtaining an order from the Supreme Court restraining the assets of the company and its director and general manager. On 9 September 2004 the court dissolved the orders against the company to enable the administrator to fulfil his duties under the Corporations Act. However, some of the company's assets remain frozen until further orders from the court.

Ms Katrina Hodgkinson: Point of order: I hesitate to take this point of order, but the Minister said that this was a supplementary answer from May this year. Yet, in her answer, she is referring to dates much later than that date.

Mr SPEAKER: Order! There is no point of order.

Ms Katrina Hodgkinson: Therefore, this is a ministerial statement, and I ask her to address the original question.

Ms REBA MEAGHER: There are 28 complaints in Burrinjuck, so the honourable member should be interested in what this is all about. She should sit down and listen.

Ms Katrina Hodgkinson: Yes, but this is a ministerial statement, not a supplementary answer.

Mr SPEAKER: Order! There is no point of order. The Minister is entitled to provide additional information to her original answer.

Ms REBA MEAGHER: The company is also prohibited from participating in the building industry until further orders are made. I am advised that Fair Trading is continuing to pursue the director and general manager of the company through the courts, and disciplinary action against the individuals involved is pending. As this matter is before the court I am unable to comment further at this stage. However, Fair Trading has contacted Prouds' customers to advise them of what action is being taken against the company. Any consumers who have contracted with Prouds Home Improvements can call the Home Building Service Hotline on 1300 554 668 for more information and assistance. The vast majority of builders in New South Wales are good, honest, hardworking people but the small majority who take advantage of consumers and give the entire industry a bad name must be stopped. Later this session I will introduce legislation to tighten the licensing requirements for builders. The changes will better protect consumers and the good name of the industry.

Questions without notice concluded.

MS LEANNE SHEDDEN, CHIEF OF STAFF TO MR SPEAKER

Mr SPEAKER: I advise the House that today is the last official day of duty for my Chief of Staff, Ms Leanne Shedden. On my own behalf, and on behalf of all members and the Parliament, I extend sincere gratitude for the efficient and professional way in which she has performed her duties. Thank you, Leanne.

HONOURABLE MEMBER FOR MAITLAND USE OF PARLIAMENTARY LETTERHEAD**Personal Explanation**

Mr JOHN PRICE, by leave: I wish to make a personal explanation. The Leader of The Nationals has impugned my name and suggested that I may have attempted to influence a council by using a letterhead from my office.

Mr Andrew Fraser: Did you or didn't you?

Mr JOHN PRICE: Don't you talk! I can remember the representations the honourable member for Coffs Harbour made on behalf of his daughter. Flying Fox Lane, where I live—

Mr Andrew Fraser: Point of order: The honourable member for Maitland implied that I made a reference on behalf of my daughter. I never have. For him to imply that in debate is an absolute lie, and he should withdraw it. Just because he uses his letterhead so his—

Mr SPEAKER: Order! There is no point of order. The honourable member for Maitland may make a personal explanation if he so wishes. The honourable member for Coffs Harbour will resume his seat. The honourable member for Maitland has the call.

Mr JOHN PRICE: Flying Fox Lane, the road on which I live, is a public road that has a severe safety problem. I wrote a letter to the council, and the letter produced today was produced on the business paper of the Dungog Shire Council. On the reverse of that paper was a letter from one of my neighbours, referring to the same problem. I made those representations on behalf of the neighbours who use that road. Four families use the road, as do servicemen and other members of the family. Some members of the council questioned whether I should have written the letter. I wrote the letter as a result of a conversation I had with the general manager of the Dungog Shire Council some weeks before in which he suggested that a letter may be supportive when the matter went before council. The problem with that road was before council for consideration. This issue was reported in the *Dungog Chronicle*. The same edition of the newspaper published a letter that was critical—it was in the same terms as the criticism made today.

Mr Andrew Tink: Point of order: Mr Speaker, yesterday you would not allow the Leader of the Opposition to debate his personal explanation. You should set the same standard for your Deputy or you will be seen to be acting partially.

Mr SPEAKER: Order! I call on the honourable member for Maitland to continue with his personal explanation. I draw his attention to the standing orders, which provide that he should not debate the issue. However, he is allowed to show how his character has been impugned.

Mr JOHN PRICE: The imputation is quite simple: it was suggested that I was making a representation of my behalf. That was not the case. I was representing all the residents of Flying Fox Lane, which is a public road. I made a representation about a particular road safety issue, which is significant. In a later report the mayor wrote that he did not care how many letters he got from John Price on letterhead because usually they all contain some sort of advice from the Government that the council is getting additional funds for its road program.

PORT KEMBLA TRADE**Ministerial Statement**

Mr DAVID CAMPBELL (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [3.46 p.m.]: Efforts by the Port Kembla Port Corporation to attract new business in line with the New South Wales Government's ongoing commitment to a bigger, better port are working

extremely well. In the past financial year the volume of non-traditional trade through the port has increased by an impressive 30 per cent on the previous year, to more than one million tonnes. There has been a significant increase in non-traditional cargoes such as timber, with Port Kembla handling more than 17,000 tonnes of sawn timber imports—trade previously handled in Sydney Harbour. In addition, more than 19,000 tonnes of pine logs were exported through Port Kembla to a market in the Middle East.

Total trade through Port Kembla for the year 2003-04 was just over 22 million tonnes. This was slightly down because of the ongoing drought and subsequent drop in grain exports. In addition, there was a slight dip in coal exports. However, the overall decrease of around 0.5 million tonnes would have been larger if not for the port corporation's diversification strategy. The prospects for further growth are extremely positive. Progress with the port development program is encouraging and the port corporation is looking at a significant volume of cargo coming to Port Kembla when Darling Harbour closes in 2006. There is good news also from the Port Kembla Gateway facility in the outer harbour, which handled in excess of 620,000 tonnes of bulk products, an increase of more than 200,000 tonnes on the previous year.

Ms PETA SEATON (Southern Highlands) [3.48 p.m.]: Every member of the Opposition is keen to see Port Kembla and the port of Port Kembla maximise its future opportunities. I have backed the extension of the Port Kembla wharf and the further development of Port Kembla. We want as much business as possible to be conducted through Port Kembla. It is important that the Government make sure that it follows through on its infrastructure commitments. In recent times the Thirroul to Waterfall tunnel was abandoned and the Stanwell Park viaduct project has bitten the dust. Of the Government's infrastructure projects, one in four has been delayed or abandoned and one in 10 has been completely abandoned, including the Illawarra fast train project. Until this Government gets serious about developing and upgrading infrastructure, we will not be able to make the economic gains we need to make in the Illawarra.

HOMEMADE ROAD SPIKES

Ministerial Statement

Mr JOHN WATKINS (Ryde—Minister for Police) [3.50 p.m.]: Last year the Government provided New South Wales police with 600 sets of highly effective pursuit-ending road spikes. These spikes are state-of-the-art police technology. They allow the vehicles of speeding and fleeing criminals to be brought to a halt quickly but safely. The spikes have been used more than 30 times to end dangerous pursuits, enabling the capture of offenders. As often occurs, the crooks try to emulate top police practices. Again, in a disgraceful set of circumstances, they have tried to use the weapons of law enforcement against our front-line police. In the past week highway patrol officers in country New South Wales have discovered crude examples of homemade road spikes, hidden by the side of the Hume Highway. Some cowardly thug left 30-centimetre steel spikes in two locations on the Hume Highway often used by police as radar checkpoints.

It appears to be a blatant bid to prevent police from doing their job. However, it is not just a job for the police—it is the work of protecting people and saving lives on one of our busiest roadways; it is the work of enforcing the traffic laws to prevent death and injury; and it is the work of catching criminals who would seek to flee the law after their heinous crimes. Police patrol cars often have to take off at high speed in pursuit of offenders. Such a pursuit could end in disaster if one of these spikes were hit in an emergency situation. A major investigation is now being undertaken, including forensic work, to determine the source of the implements. I hope police are successful in catching these low-lives, because bringing these offenders before the court would provide particular satisfaction.

The New South Wales Parliament changed the law a year ago to include homemade road spikes on the prohibited weapons list. New South Wales has the toughest prohibited weapons laws in Australia and the longest list of banned weapons. I added homemade road spikes to that list after an incident in which makeshift spikes were thrown at police at Campbelltown last year. Their inclusion in the prohibited weapons list means that even possession of these implements, let alone their use against police, will attract a gaol term of up to 14 years. The tough penalties were introduced because these backyard inventions have the potential to cause enormous damage, even to kill. New South Wales highway patrol officers are the only people allowed to use road spikes in this State. They will use them to end pursuits quickly and safely. The laws are there to protect the public and our police, and offenders in these cases should face the full force of the law.

Mr PETER DEBNAM (Vaucluse) [3.52 p.m.]: I will respond to the press release of the Minister for Police. The Opposition shares the Government's concern about the road spikes that have been found, I believe in

three locations, clearly targeting highway patrol vehicles conducting radar checks. We are all very concerned about that. However, the Minister came into the Chamber and read a press release. He has obviously now gone downstairs to conduct a press conference. All we have seen from the Government on this issue is publicity. This story has run a couple of times. As I say, we share the Government's concern about this attack on police, but the Government should do something about it. This has not happened merely once; it has happened three times in three different locations. The Government must provide resources to find out who is doing it, instead of merely issuing press releases. Let me refer to the resources available to the highway patrol. The number of highway patrol officers is down by 10 per cent on authorised numbers.

Mr Andrew Stoner: They are replacing them with cameras.

Mr PETER DEBNAM: As the Leader of The Nationals suggests, the numbers are down because the Government is replacing highway patrol officers with revenue collection. The Government should provide the resources to enable the highway patrol to do its job. The Government should go back to the Staysafe committee report of 1994—10 years ago—which recommended the installation of video cameras in police vehicles. That committee was chaired by the honourable member for Wakehurst, who did a fantastic job. It recommended the installation of video cameras in police cars. What did the Government finally do after Paul Whelan announced it twice and the present Minister announced it several times? This year it announced an allocation of \$8 million spread over four or five years to install video cameras in highway patrol vehicles. Officers are going to be killed because the Government has not installed cameras in police vehicles. It should put them in now. The Government can afford it because it is rolling in cash. The Minister for Roads is raking in money from fines, which he increased today. The Government should install the video cameras.

Another committee recommendation related to the highway patrol was the introduction of an offence of aggravated dangerous driving. We wanted to say to motorists who attempted to outrun police, "This is a serious offence." It is currently not a serious offence in New South Wales. That recommendation has been on the Government's books for 10 years—from the time Labor took office. However, the Government has done absolutely zero about it. It is like everything else in this State—whether it be road safety, policing, the health system or the Attorney General. The Opposition has to provide the initiatives and the ideas; it has to harass the Government week after week, year after year, to get any action. It very often takes a death to get action in relation to road safety. I note that the Minister for Roads is in the Chamber. The Deputy-Speaker merely nods his head and pretends that this is funny. I say to him, "John, give the money back. Give that \$16,000 back and take road safety seriously." [*Time expired.*]

SPECIAL ADJOURNMENT

Motion by Mr Carl Scully agreed to:

That the House at its rising this day do adjourn until Friday 24 September 2004 at 10.00 a.m.

BUSINESS OF THE HOUSE

Order of Business: Suspension of Standing and Sessional Orders

Motion by Mr Carl Scully agreed to:

That standing and sessional orders be suspended to allow consideration forthwith of Government Business Order of the Day No. 2 [Motor Accidents Legislation Amendment Bill; consideration of Legislative Council amendments].

MOTOR ACCIDENTS LEGISLATION AMENDMENT BILL

In Committee

Consideration of the Legislative Council's amendments.

Schedule of amendments referred to in message of 21 September

No. 1 Page 2, clause 2, lines 5 and 6. Omit all words on those lines. Insert instead:

This Act commences on the date of assent.

No. 2 Page 3, Schedule 1 [1], proposed section 3D, line 5. Insert "coal miner" before "work".

- No. 3 Page 3, Schedule 1 [1], proposed section 3D, line 7. Omit "death or injury". Insert instead "the death of or injury to a coal miner".
- No. 4 Page 3, Schedule 1 [1], proposed section 3D. Insert after line 35:
- (5) In this section:
coal miner has the same meaning as in clause 3 of Part 18 of Schedule 6 to the *Workers Compensation Act 1987*.
- No. 5 Page 4, Schedule 1 [2], line 3. Insert "coal miner" before "work".
- No. 6 Page 5, Schedule 2 [1], proposed section 5A, line 6. Insert "coal miner" before "work".
- No. 7 Page 5, Schedule 2 [1], proposed section 5A, lines 8 and 9. Omit "death or injury". Insert instead "the death of or injury to a coal miner".
- No. 8 Page 5, Schedule 2 [1], proposed section 5A. Insert after line 35:
- (5) In this section:
coal miner has the same meaning as in clause 3 of Part 18 of Schedule 6 to the *Workers Compensation Act 1987*.
- No. 9 Page 6, Schedule 2 [2], line 3. Insert "coal miner" before "work".
- No. 10 Page 6, Schedule 2 [3], line 12. Insert "coal miner" before "work".
- No. 11 Page 7, Schedule 3.1, line 7. Insert "in the case of an injury to a coal miner" after "apply".
- No. 12 Page 7, Schedule 3.2, line 16. Insert "recoverable" after "extends to damages".
- No. 13 Page 7, Schedule 3.2, line 17. Insert "in the case of an injury to a coal miner" after "employer".
- No. 14 Page 1, long title. Insert "coal miner" before "employment".

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [3.56 p.m.]: I move:

That the Legislative Council's amendments be agreed to.

Mr CHRIS HARTCHER (Gosford) [3.56 p.m.]: The Motor Accidents Legislation Amendment Bill was passed by this House almost 12 months ago. At that time the Coalition, supported by the Independent members, objected to the retrospective implications of the legislation. The State Labor Government is deservedly condemned for having introduced retrospective legislation. Labor has set a precedent and in future it will have no grounds to complain when other members introduce retrospective legislation. The Government was prepared to introduce retrospective legislation relating to motor accidents and the interrelationship between claims under the Motor Accidents Act and the Workers Compensation Act. The bill was passed in November 2003. It is now September 2004, and it has finally made a decision in regard to the legislation.

The Government rammed the bill through the Legislative Assembly, but was unable to ram it through the Legislative Council. It has been hanging around the Legislative Council in its own unhappy way for nearly 10 months. Finally, the Government has been able to come to an arrangement with members of the Legislative Council, which allows the passage of what was repugnant legislation. It is extraordinary that members of the Labor Party—including the honourable member for Liverpool, the honourable member for Newcastle, the honourable member for Monaro and the honourable member for Murray-Darling—were prepared to support retrospective legislation, something Labor has allegedly fought against for generations. However, it was prepared to do so in this case—and it was prepared to do it against the interests of the workers of New South Wales. It is the workers who have been denied benefits. It is the workers who were caught up in the interrelationship between the Workers Compensation Act and the Motor Accidents Act. It is the workers who were making claims.

The TEMPORARY CHAIRMAN (Mr Paul Lynch): Order! If the honourable member for Gosford and the honourable member for Coffs Harbour want to caucus, they should do so outside the Chamber.

Mr CHRIS HARTCHER: Absolutely.

The TEMPORARY CHAIRMAN (Mr Paul Lynch): Order! The honourable member for Gosford has the call. I suggest he utilise it.

Mr CHRIS HARTCHER: I am delighted that you think the honourable member for Coffs Harbour and I were holding a caucus meeting. This legislation has been heavily amended as a result of a series of amendments that were moved in the Legislative Council only on 21 September 2004. For 10 months the Government has been hesitant and unable to resolve these issues. The provisions of the legislation, now before the Legislative Assembly, relate only to coalminers rather than to workers and to workers' rights across the board. The word "coalmine" has been inserted at every level before the words "worker" or "employment".

As I said, this legislation now applies only to coalminers. I imagine that the Construction, Forestry, Mining and Energy Union [CFMEU], a union that is close to the Australian Labor Party, has no objection to this legislation, but I do not know as I have not heard from it. When this legislation went through the Legislative Council I presume there was no objection from the CFMEU, so Opposition members will not object to it now. I said earlier that the Government stands accused of introducing in 2003 repugnant and retrospective legislation and pushing it through the Legislative Assembly. It has been found guilty of that charge. This legislation has now been amended.

We are conscious of the fact that there were problems relating to the interrelationship between the Motor Accidents Act and the Workers Compensation Act, but there are ways of resolving those problems. The normal way of resolving problems such as these is prospectively rather than retrospectively. When the Opposition was in Government between 1988 and 1995 I vividly recall the Hon. Bob Carr, the then the Leader of the Opposition, working himself into a lather when he was accused of introducing retrospective legislation.

Mr Ian Armstrong: It was pretty ugly.

Mr CHRIS HARTCHER: As the honourable member for Lachlan rightly said, it was a very ugly sight. The Opposition will not divide on this legislation.

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [4.01 p.m.]: The Pender decision redefined the scope for the type of motorised equipment, and consequently the accidents, that now come within the Motor Accidents Compensation Act, with the consequence that a motor accident can now involve unique pieces of equipment used only on mining sites. This bill gives effect to a ministerial statement in which the Minister expressed his intention to address the Pender decision by legislating for all types of work accidents involving injuries—legislation which will take effect from 5 December 2002. The New South Wales Minerals Council and the Construction, Forestry, Mining and Energy Union have given full support to the bill, which rectifies the coalmine situation affected by the Pender decision.

The Government acknowledges the concern that has now been raised about the possible detrimental effect of the bill on workers pursuing work injury matters outside the coal industry. In light of this concern the Government proposes amendments to the bill so as to restrict its effect only on the coal industry. WorkCover has undertaken an assessment of the impact of the proposed amendment and has advised that the effects of the Pender decision are expected to be limited, given the specific and unique circumstances with which the Pender decision had to deal. Consequently, the impact on the workers compensation scheme and those who contribute to the scheme is expected to be minimal. This advice has been provided to the Australian Industry Group and to Australian Business Ltd.

The Minister for Industrial Relations has also provided an assurance that the operation of the amendments will be continually monitored to ensure that they give effect to the intended objectives of the bill. The effect of the proposed amendments, therefore, is to restrict the effects of the bill only to the coal industry. The Government's amendments will achieve the outcome of rectifying the coalmine situations affected by the Pender decision by excluding the application of motor accidents legislation claims procedures and damages provisions for those coalminer work injury claims that involve the kinds of circumstances that arose in the Pender case. I reiterate that the New South Wales Minerals Council and the CFMEU have made it clear that they fully support this legislative response to the court's decision in the Pender case. I commend the amendments to the Committee.

Motion agreed to.

Legislative Council's amendments agreed to.

Resolution reported from Committee and report adopted.

Message sent to the Legislative Council advising it of the resolution.

CONSIDERATION OF URGENT MOTIONS

Regional Express Sydney Terminal Facilities

Mr PETER BLACK (Murray-Darling) [4.05 p.m.]: This matter is urgent because we have only 16 days before the Federal election. Once again we are faced with a plot by The Nationals to deprive residents in rural and regional New South Wales of essential services. Regional aviation is not a luxury; it is a valuable and valued service that we want to retain. This matter has its roots with John Anderson, the Federal Leader of The Nationals and member for Gwydir. John Anderson is the person who presided over the Ansett collapse, which took with it Hazelton and Kendell airlines. After that collapse Regional Express [Rex] commenced operations and is providing a good service. It employs 600 people in New South Wales and is flying to many centres into which no other carrier is flying.

The services provided by Rex have not replaced the services that were lost when the collapse occurred, for example, services to places such as Deniliquin. Nonetheless Rex is still doing a very fine job. This matter is urgent because John Anderson presided over the privatisation of Mascot airport and guaranteed slots for regional aviation carriers flying in and out of the airport but did not guarantee any terminal services. John Anderson is quite happy to see Rex working out of a caravan if it is to remain at Mascot. Rex does not want to move out of gate 39 and be pushed into gate 43. This whole thing is nonsense and it is wrong. This matter is urgent because we have only 16 days before the Federal election. I want to see a bipartisan policy that enables Rex to remain at Mascot. I refer to the publicity that this issue has generated. The headline in yesterday's *Area News* states, "Bankstown plan could hit tourist trade hard." The article refers to regional tourism in Griffith.

Mr Daryl Maguire: Point of order: The honourable member for Murray-Darling is now talking about substantive issues. This issue is about Mascot airport and guaranteed access to that airport. The honourable member is introducing falsehoods into this debate.

Mr ACTING-SPEAKER (Mr John Mills): Order! There is no point of order.

Mr PETER BLACK: The matter is urgent because Rex wants decent facilities at Mascot. Rex is being forced to go to Bankstown. The gate 43 offer is on the table but that is not an acceptable alternative to gate 39; it is as simple as that. Something has to be done. Only the Federal Government can do something about this issue. Reference was made earlier to John Dal Broi being a Labor Party stooge. He is not a Labor Party stooge. I do not understand why that reference was made. The new slogan for the Greens, who I think are involved in this debacle, is "Give another canary to the feral cat and bugger the cost." That is what the Greens stand for. Our regional air services must be allowed to continue operating.

I have a glossy lift-out from that great newspaper the *Western Herald* but not a word has been said in this article about the Mascot issue. The headline in that newspaper states, "Early morning flights reinstated for Moree and Narrabri." Heaven's above! It would be interesting to hear the Federal Leader of The Nationals making a statement about the restoration of services to places such as Deniliquin and other areas down south that are not being serviced. When the honourable member for Lachlan was participating in debate on a similar issue he referred to a whole list of towns in New South Wales that had lost their services.

This matter is urgent because many of those towns have not got their services back. The Nationals at a Federal level are not doing anything. The Federal Nationals have walked away from this issue. They do not care about regional and rural New South Wales. People in regional and rural New South Wales are as important as a group of Japanese tourists flying into Mascot airport. Rex deserves the same quality services that are being provided at Mascot. [*Time expired.*]

Breast Screening Services

Mr ANDREW FRASER (Coffs Harbour) [4.09 p.m.]: This motion is urgent because 40,000 women in New South Wales will be unable to access breast screening programs because the State Minister for Health has refused to sign the health funding agreement with the Federal Government. On 1 June the State Minister indicated clearly that he would not sign the agreement and that he would axe breast screening and other services—

Mr Milton Orkopoulos: That's not true, and you know it.

Mr ANDREW FRASER: There is his media release. The Minister said that he would axe breast screening and other services in New South Wales because he believed the Commonwealth Government was not giving us enough funding. On 31 August the Federal Minister for Health and Ageing increased funding for the States by \$18.5 million to a total of \$812 million. New South Wales, South Australia, the Australian Capital Territory and Tasmania were the only States that had not signed the agreement at that stage. It is no surprise that, in a blatantly political move, the New South Wales Minister for Health has failed to sign the agreement even though, following his request, the Federal Government increased funding to ensure that these vital services are retained.

Mr Milton Orkopoulos: We've increased the funding.

Mr ANDREW FRASER: The funding has been increased and offered to the States but the New South Wales Labor Minister has failed to sign the agreement.

Mr Milton Orkopoulos: That's not true.

Mr ANDREW FRASER: It is true. I have the media releases from the State and Federal health Ministers. The release from the New South Wales Minister for Health dated 1 June says that he will not sign, and the second release dated 31 August says, "The money's there: sign it." But the Minister has failed to do so. In my electorate and the electorate of the honourable member for Clarence on the North Coast more than 15,000 women have signed a petition calling on the Government to sign the agreement. I commend Sylvia Broadhurst, Dorothy Hayes and Councillor Terry Child from Bellingen council for collecting those signatures. I am also informed by the honourable member for Wakehurst that three breast screening services were available on the northern beaches but the Government has cut them to a single service and is now bussing women into the city for breast screening. I understand that the number of women who used that service has reduced by a third. If this procedure is not made available to the women of rural and regional New South Wales—and, indeed, of Sydney—they will not have the opportunity to be screened.

Breast cancer is one of the most devious killers in regional and New South Wales. My wife and I have lost three friends to the ravages of breast cancer. The wife of a doctor in my local area has just had a mastectomy and survived. Her cancer was discovered by a mobile breast screening service. Yet this Government has failed to sign an agreement even though the Federal Minister for Health and Ageing has made the funding available to New South Wales. It is imperative that the State Minister signs the agreement this week. He must stop playing politics and protect the 40,000 women who will now not have the opportunity to undergo annual screening.

Mr Milton Orkopoulos: That's not true.

Mr ANDREW FRASER: It is true. The Parliamentary Secretary, the honourable member for Newcastle, and you, Mr Deputy-Speaker, have been touched by cancer, as have I. It is an absolute disgrace for the Government to play politics with such an important program.

Mr Bryce Gaudry: Point of order: I hesitate to take this point of order. The honourable member for Coffs Harbour is supposed to be explaining why his motion is urgent. He is now dealing with personal issues that I do not believe add in any way to his case for priority.

Mr Alan Ashton: We've all been there.

Mr ANDREW FRASER: As the honourable member for East Hills says, we have all been there. Labor members should support this program and urge their Minister to sign the agreement. [*Time expired.*]

Mr DEPUTY-SPEAKER: Order! The honourable member for Coffs Harbour is debating the issue. That is not the purpose of this debate.

Pursuant to sessional orders debate interrupted.

PRIVATE MEMBERS' STATEMENTS

KIAMA WINE SHOW AWARDS DINNER

Mr MATT BROWN (Kiama) [4.15 p.m.]: I am pleased to discuss today the inaugural Kiama Wine Show Awards dinner, which was held on 27 August this year. It was a celebration of the outstanding wines grown in the Shoalhaven Coast region and on the Southern Highlands of New South Wales. These wine-growing regions are the most recent to emerge in the country and are recognised by the Australian Wine and Brandy Corporation. There were many participants in the wine show, and I congratulate each of the vignerons and wine makers. Some 16 vineyards entered 109 wines in competition, which is an excellent show of support from this growing market on the South Coast and the Southern Highlands. The night would not have been possible without the forethought and hard work of the Kiama Show Society, led by President Sandy Rendel. The society has been operating since 1848 and, in recognition of the changing rural environment, has created this event separate from its annual summer agricultural show in order to endorse the quality of the district's produce from both traditional and emerging producers. I endorse the comments of President Rendel, who said:

The Show Society believes encouraging the district's quality potential offers assistance to producers by creating recognition and awareness. The competition aims to identify local quality producers and help promote excellent in the wine industry.

The event was well supported by community leaders. The Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business attended and gave a presentation, as did the Mayor of Kiama, Sandra McCarthy, and my Federal counterpart, the member for Gilmore, Joanna Gash. The night would not have been possible without the support of key sponsors, including Kiama Leagues Club. The Platinum sponsor was IMB Community Foundation and other major sponsors included Kiama Municipal Council and the Illawarra Regional Development Board. Local sponsors should also be recognised. They include Aurora, Dairy Farmers, Elise Pascoe International Cooking School, Kearns and Garside, Kiama Chamber of Commerce, Seashells Kiama, Kiama Cove Boutique Motel and the Old Cheese Factory. It was amazing to see so many people come together in support of this fantastic new winegrowing region on the South Coast and Southern Highlands.

I thank the independent panel who judged the competition. Chief judge Geoff Goodworth was assisted by Chris Cameron and Keith Tulloch. The winners were: best white wine, Cuttaway Hill Estate, chardonnay 2003; best red wine, Kladis Estate Wines, shiraz 2003; best wine Shoalhaven coast region, Coolangatta Estate, semillon 2004; best wine, Southern Highlands region, Cuttaway Hill Estate, chardonnay 2003; and best wine of the show, Cuttaway Hill Estate, chardonnay 2003. The most successful exhibitor was Coolangatta Estate. I congratulate all the wineries and vineyards that participated. The Kiama Show Society has been in existence for 160 years, and it will be there for the long haul, promoting the agricultural features of that fantastic part of the State: the Shoalhaven, the South Coast and the Southern Highlands region.

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [4.20 p.m.]: I commend the honourable member for Kiama, who has spoken about a matter of interest to the majority of members of this House. New South Wales has excellent vine growing and winegrowing regions right across the State. The new region is obviously generating a great deal of pride in the honourable member and the citizens of the Shoalhaven, the South Coast and the Southern Highlands. It is great that Kiama is in competition with our excellent Hunter Valley vignerons and winegrowers, and I am sure Mr Deputy-Speaker knows that is one of the prime winegrowing regions of the State.

KURNELL PENINSULA DEVELOPMENT PROPOSAL

Mr MALCOLM KERR (Cronulla) [4.21 p.m.]: Following the recent intervention of the Federal Government, the outlook for Kurnell has improved. I support the mayor, who for some years has demanded a commission of inquiry to determine the future of the region. Under the Greiner Government a regional environmental plan was developed to phase out sandmining, but the plan has not been implemented during the years of the Carr Government and sandmining has continued. Indeed, a proposal is on foot by Rocla for the expansion of sandmining at Kurnell. The planning powers for that proposal and the Australand housing development have been taken away from Sutherland Shire Council and are now the sole responsibility of the Minister for Infrastructure and Planning.

One would have thought that the people in a particular area should determine the future of that area, but the power of the residents of the Sutherland shire in general, and Kurnell in particular, in relation to

development at Australia's birthplace has been stripped away. The two Labor initiatives I have referred to are unacceptable to the local community, and I venture to suggest they are unacceptable to all Australians. I urge all honourable members, particularly those from the Sutherland shire—including the honourable member for Miranda, Federal members and the Federal Labor candidate for the Cook electorate—to make known their feelings about these two proposals. Members of the local Australian Labor Party branch can make their voices heard publicly in relation to these two matters. They should also support the call of the Sutherland Shire Council for a commission of inquiry.

Mr Barry Collier: It is your electorate.

Mr MALCOLM KERR: As the honourable member for Miranda said, it is my electorate, but it is our country. It is the birthplace of modern Australia and he should take an interest in it. The neglect at Kurnell is an absolute disgrace. Botany Bay National Park has not been adequately resourced. That is a State, national and international scandal. We well remember the international outcry—it was not confined to Australia—when Tracie Sonda tried to remove Captain Cook from the official Sutherland council logo. Kurnell's future will now be subject to the blight of expanded sandmining and the Australand housing proposal. The only way to secure the future of the peninsula is to hold a commission of inquiry and give everyone a chance to have a say.

We remember the proposal to build a chemical factory at Kurnell—a proposal that was encouraged by the then planning Minister, Mr Bob Carr. Only a pending by-election prevented the chemical factory from proceeding. In the 1950s a Labor Government determined that Kurnell was to be an industrial area. Now we have a chance to improve the future of Kurnell. There is now a reprieve, thanks to the hard work of Bruce Baird. Labor members should now come forward, confirm that they do not support the two proposals and put on the record their support for a commission of inquiry.

CHARLESTOWN DEVELOPMENT PROPOSALS

Mr MATTHEW MORRIS (Charlestown) [4.26 p.m.]: I advise the House of significant changes ahead for the residential and retail sectors of Charlestown. While growing up in the Charlestown electorate I have watched this important commercial and residential area change, albeit in a limited way. The most significant change has been two redevelopments of Charlestown Square. That in itself has created problems for the Charlestown community to get around by motor vehicle and on foot. The outlying retail outlets have struggled to compete with the square, and face the possibility of the square yet again being redeveloped. A soon-to-be-released development proposal seeks to double the current size of the centre. I will refer again to that issue in the House when plans are made public, as I expect they will generate substantial debate in the community.

Although I am not against progress, I have concerns regarding the rapid change that is proposed for the people of Charlestown. I am aware that 13 large-scale development proposals have been lodged with Lake Macquarie City Council or are under preparation. The residential and retail sectors of Charlestown are set to expand at a rapid rate. While the principles of change and progress do not necessarily generate opposition from the community, we must carefully manage change to avoid destroying Charlestown's physical and social attributes. Large-scale redevelopment will place pressure on current infrastructure and generate demand for additional infrastructure. That demand will place increased pressure on public transport, traffic management and pedestrian safety. The proposals under consideration by council are primarily unit developments with retail elements on the ground floors. An increase in the retail sector will help stimulate business and provide consumers with greater choice, thus generating demand for goods and services. That would be a positive for Charlestown.

Charlestown is situated on a ridgeline with the Pacific Highway dividing it into an east and west sector. The bulk of retail development is now on the western side while retailers on the eastern side struggle to gain and retain their market share. As time passes further business activity must be developed on the eastern side of the highway. That will give current and future retailers a real opportunity to succeed. With increased retail and residential development, it is important to plan now for the future population. To that end I intend to bring together representatives of relevant State departments, councils and interest groups to discuss forward planning for Charlestown. Issues to be discussed include road layout and upgrades, placement of a bus interchange, pedestrian management and community spaces. The discussion group will also include Business Charlestown and Charlestown Precinct Committee representatives.

I note that Lake Macquarie City Council intends to complete a traffic study for Charlestown based on current issues of concern. However, the study is months overdue and appears to be stalled. Whilst the traffic

study will go part of the way towards addressing issues in Charlestown, we must work on the broader planning issues that will develop with an increasing population. Our community continues to rely heavily on the use of private motor vehicles, and this will create significant traffic issues for Charlestown.

I appreciate the community's need for private vehicles, given that the currently available public transport, buses, are yet to reach a level at which people accept them and are attracted to using them as their primary mode of transport. Charlestown is recognised as the jewel in the crown of Lake Macquarie's retail and commercial business, and that reputation will no doubt grow in the future. In my view Charlestown will overtake the City of Newcastle in providing retail and professional services, and this alone means we must forward plan now.

Lake Macquarie City Council has developed Charlestown urban design guidelines, which identify the types of development to be established and the areas in which that will occur. However, the guidelines fail to address the flow-on concerns regarding transport and other services. I acknowledge that the "Metropolitan Strategy" recently announced by the Minister will go some way towards the forward planning of Charlestown and surrounding suburbs with regard to identifying population growth, where it will take place, and at what level it will take place. The "Metropolitan Strategy" process will also enable future traffic and management options to be put forward.

We should be heading towards master planning for Charlestown. At this stage we are not in a good position to manage future populations. Thirteen significant applications are either in the system or are about to be in the system, no real master planning has been undertaken, and there are no real ideas about how we will manage the needs of the increased population. It is time we put our heads together and mapped that out. As the State member, in the interests of the community I will actively pursue the outcome of the "Metropolitan Strategy".

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [4.31 p.m.]: I thank the honourable member for Charlestown for his considered presentation and his proactive approach in getting together all groups interested in the ongoing development of Charlestown in conjunction with the implementation of the "Metropolitan Strategy". As the honourable member said, it is most important that we, as members, and the community be involved in the forward planning that is taking place through the "Metropolitan Strategy" to deal with the increase in population that is obviously occurring both in the Sydney metropolitan area and in regional areas. Encouraging community discussion about the development of a master plan is something we all need to concentrate on to ensure the sustainable development of our cities and provide social and transport benefits for the community, which are also extremely important. I thank the honourable member for Charlestown for drawing the matter to the attention of the House.

ORANGE ELECTORATE MENTAL HEALTH SERVICES

Mr RUSSELL TURNER (Orange) [4.33 p.m.]: I bring to the attention of the House mental health service issues in my electorate and, indeed, throughout the State. It appears that some people with mental illness or physical disabilities fall between the cracks; none of the services is equipped to deal with them. Also, they do not seem to fit into any part of our society. Indeed, their carers go through a lot of agony in seeking to ensure they are part of society. Mr Cameron Bamblett and Mrs Lorraine Bamblett of 77A Taralga Street Cowra, who are an Aboriginal couple, have a son, Wilfred, who is 29 years of age. Mr and Mrs Bamblett have written many letters to me, and I wish to read to the House parts of two of the letters I have received recently. The first reads:

Dear Sir,

I am writing again. I have a lot of problems here in Cowra with police. I had the Ombudsman, the commander in Orange, at my home to address these issues. I don't believe all the issues were addressed. I wrote to the Attorney General about my son, who has a mental illness. Police put a bail condition: 29-year-old not to leave his mother's company. How ridiculous is that ...

Again Mal—

I understand that to be a parole officer—

wouldn't let us in to see our son. First, a woman officer who spoke with my mother said, "Yes, you can see your grandson at 10 o'clock", and he wasn't coping in gaol. This distressed me so much, at 10 o'clock Mal came out of the police station and said to mum, "No, you can't see him", after the police woman said yes.

He said to mum, "You can stand there all day, you can't see him." Mum was so distressed as well, because he wasn't coping too well in prison. Only a month before we stayed hours until my son went. I cried all that day at court, so distressed because my son was sick. The police, and our lawyer, had a copy of a fax from Bathurst gaol to say he wasn't coping.

The second letter reads:

Dear Sir,

It's me again, another issue concerning my son Wilfred while in custody.

On court day a fax was sent to the police, Magistrate, my lawyer, that my son wasn't coping real well in gaol (climbing the walls).

I raised Mr and Mrs Bamblett's concerns with the Attorney General, and the chief executive officer of the Mid Western Area Health Service responded on his behalf. As I said, people like Wilfred do not fit into any part of our society and the services that are supposed to assist them are not equipped to do so. Mental health services are letting these people down. They cannot be legally restrained in a mental institution because they do not fit into a certain category.

NSW Police do not know how to handle them. There are times when these poor kids are picked up on the street and taken to the police station, and then they are let out because they cannot be charged with anything. Indeed, there is not much point in charging them because they are not responsible for what they have done. Their parents agonise over them. As Mrs Bamblett said, "I cried all day." The parents do not know what to do with their children. They do their best, but they have no capacity to keep them at home. Their children take their medication from time to time, and they seem to be reasonably well, but when they go out into the community they are abused by other sections of the community who take their money and, in some cases, take away their dignity. Our gaol system is not equipped to handle these poor people. They are often abused in gaol, and they are then let out again. Many of these young people are employable, but private enterprise cannot handle them because of public liability issues. It is an issue we have to deal with far more successfully than we are dealing with it at the moment.

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [4.38 p.m.]: I totally agree with the sentiments expressed by the honourable member for Orange. All of us must work harder to deal with the issues he has raised regarding the problems faced by people with a mental illness and their carers and parents, and the problems faced by government agencies that deal with them. Obviously the honourable member has raised the issue with Ministers, and I am sure he will continue to advocate for improved mental health services. I note that today the Minister for Health clearly outlined to the House funding increases for such services. The Minister also referred to the difficulties with Federal funding for mental health services. The issue the honourable member has raised, the improvement of mental health services across the State, is very important and we must continue to address that however and wherever we can.

GIRRAWEE PUBLIC SCHOOL EIGHTY-FIFTH ANNIVERSARY

Ms PAM ALLAN (Wentworthville) [4.39 p.m.]: This evening I would like to talk about a very important and wonderful event that took place on Sunday 12 September this year in my electorate, and that is the function to celebrate 85 years of public education at the Girraween Public School. I had particular pleasure participating in the day's celebrations, not just because I have been the local member since 1988 but also because it is the school that I attended for my primary and infant education. Five years ago the school attempted to organise an eightieth anniversary celebration, but it was not a match for the effort that went into the event that took place on 12 September. I think the school learnt from the lessons of five years ago because the word went out many months ago that the celebration event was to be on, and hundreds of people came great distances to participate in it.

I want to mention some of the people who played such an important role on the day. I make particular mention of the school principal, Karen Junor, who has been leading the school for the past few years and has been doing an outstanding job. The local mayor, John Brodie, attended, as did of course representatives of the school community. The afternoon proceedings were chaired by the president of the school council, Peter Herlinger, a former mayor of Holroyd City Council, but who retired from that council at the last local government elections. I make particular mention of the members of the Girraween 85th Anniversary Committee, which organised the event: Denise Byrnes, its chair, Peter Herlinger, former councillor Bob Downing, Susan Mowbray, Kylie Johnston, Julie Cabban, Jegantha Prithiviraj, Kaye Gale, Irene Russell, Joyce Doust, Janine Roberts, Lee Candelario and Kim Brennan-Culling. They all worked very hard on behalf of the parents and citizen association and other members of the school community to ensure that the event was great. A marvellous mural was unveiled on the day. It had been funded thanks to the good efforts of the Seven Hills-Toongabbie RSL. I would like to commend them for that support.

A particularly outstanding afternoon participant was Mr Brian Hooper, who took on the very onerous task of writing up the first ten years of the school's history in a publication called "Girraween Public School—The Early Days, 1919-1929". Like most people who get involved in these events, Brian acted in a completely voluntary capacity. I think he would have had little idea how complex the task would be, but he produced a document that will be of outstanding value to the Department of Education and Training when in 15 years or so it sets out to compose the centenary history of the school. Brian discovered in his research that one of the very first students of the school was still living in the suburb. Her name is Sylvia Arnold, who attended on the day. Sylvia, who is 98 years old, was in a wheelchair but looked very fit. She was accompanied by her son, who of course also attended the school. As a result of Brian Hooper coming across Sylvia Arnold, he was able to include in his work on the early history of the school a lot of anecdotal evidence of what the school was like.

The Girraween Public School started in the School of Arts in January 1919. The school started just after the end of the First World War because of the influx of families to the area. Those families tended to settle along creeks, and Girraween was very close to different tributaries of Toongabbie Creek. Where I grew up in Girraween, part of Toongabbie Creek ran through our front yard. I am not sure whether, in retrospect, these creeks should not be now piped, but whether it was the local council or Sydney Water, unfortunately we lost that creek and the willow trees along it, and have a lot of flooding issues as a result. Nevertheless, people settled around creeks because there was no town water in that area of Western Sydney until the mid-1930s. By 1922, the building that now comprises the school began to be established. The events of 12 September celebrated the first 85 years of Girraween Public, and there is now a history of its first decade. We look forward to a tremendous celebration in 15 years time. I would just like to say we had a great day, and I was very, very proud of all the people who attended.

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [4.44 p.m.]: Congratulations to an old girl of the Girraween Public School, the Hon. Pam Allan, who today has given some of the history of the 85 years of the school and paid tribute to many of the people who have been so important to, and involved in, the development of great public education at Girraween Public School. The honourable member mentioned the work done by Brian Hooper to pull together the history of the school and that an original student of the school, Sylvia Arnold, attended the celebration. How tremendous it was that Sylvia was able to attend when her old school was celebrating all those years of public education. On behalf of the Minister for Education and Training, I particularly thank Karen Junor, the principal of the school, and her staff for the great work that I know is being done at Girraween Public School. Again I thank the honourable member for bringing to our attention the celebration of eighty-five years of public education at Girraween.

YOUTH CRIME AND ANTISOCIAL BEHAVIOUR

Mr PETER DEBNAM (Vaucluse) [4.45 p.m.]: I continue to hear concerns being expressed by my community about youth crime and antisocial behaviour, ranging through a number of activities including antisocial behaviour, malicious damage, intimidation and violence. I note that part of my electorate around Bondi had a major problem in the mid-1990s. That problem related to beach activities that occurred especially at night and especially in summer, with hooligans coming to the beach. We had to take a very strong stand, and put police back on the streets. That worked, and we managed to clean up the problem.

With pressures being placed on police at the moment, we are simply not seeing police on the beach in my electorate, or indeed many others. That highlights once again the youth crime and antisocial behaviour problem across the State. Time and again we read newspaper reports of another gang attack—simply another day, another gang attack on our streets. Once more I must note that the Carr Government is denying that there is such a problem in all of our suburbs. I think all honourable members could talk about this problem, but the biggest problem is that the Government is denying it.

Last week I visited the scene of another bashing where the victim was left hovering near death. It was not an isolated incident in that suburb as youth crime and antisocial behaviour had been ongoing and escalating there for most of the year. Yet again senior police were in denial, and the Government was playing it down. Businesses in that area, understandably, were concerned because they did not want to draw adverse attention to their suburb. Many residents confirmed to me the ongoing problem, but they were afraid to speak publicly about it. Basically, people had stopped reporting incidents to the police because they were too numerous and because police responses are inadequate.

The position is the same in most suburbs and towns I visit across New South Wales. Communities suffer in silence while senior police and the Carr Government pretend the streets are safe. But streets and public

places are often controlled not by police but by the young thugs, and we are finding it is the public who are now watching their step, not wanting to provoke these young thugs. Whether it is in Sydney, Port Stephens, Albury, Wagga Wagga, Dubbo, the Premier's electorate of Maroubra or my electorate, the story is the same: youth crime and antisocial behaviour are driving communities insane.

It is interesting that the young troublemakers are really few in number, but they have a large impact on local communities. The main offenders are a tiny proportion of young people, but they encourage followers. They are well known locally and they run rings around police and the justice system. While the middle aged and elderly suffer the antisocial behaviour, intimidation and abuse, it is our young people who typically suffer the real violence as packs of street thugs hunt for prey. It is the well-behaved teenagers and young people who end up in hospital or the morgue as victims. That explains why young people are often the most vocal in demanding police action. They live with intimidation and violence on the streets, on public transport and at night, and they want it stopped.

The young thugs are often sober, calculating and violent, having learnt that our society tolerates their behaviour. Young offenders begin with antisocial behaviour, progress to drugs, thuggery, robberies and then to guns. It is a continuum. We should have called them to account early in their career. Instead New South Wales has typically turned the other cheek and allowed them to continue their careers to become violent criminals. Policing of course must target behaviour, not age or appearance, but unfortunately police are not on the streets to see youth crime and antisocial behaviour in most suburbs. If our police were actually out on the beat, on foot or on bikes, they would pick up young offenders before they are lost to a career of crime. Most young offenders would get the message if they were stopped early in their career and it was made plain to them they would get a second chance but not a third, fourth or fifth chance.

New South Wales is a high crime State and recurring violence on our streets represents a fundamental failure of public policy and a betrayal of law-abiding citizens. It seems action is only taken when the abuse and violence escalates to front-page news about a bashing or a death. Admittedly, the situation is difficult for police because they are often betrayed by magistrates and judges. If the young street thug is unlucky enough to be caught, then any half-smart defence lawyer can tie up the case in the courts for years. In the unlikely event that the offender is convicted, our courts consistently accept any excuse to give the thug another chance.

The State's justice system has failed almost totally in dealing with young people, giving them a second, third, fourth and fifth chance, which encourages them to try their hand at ever-more serious crime. The justice system just keeps giving the offender more rope until the offender kills someone. The Government has a duty of care to its citizens and its first responsibility is public safety. But youth crime and anti-social behaviour are clear demonstrations of the failure of the Carr Government's softly, softly approach. Local communities continue to suffer because the Carr Government simply has not delivered proper beat policing and it also ignores a failing justice system.

DEATH OF MR FRED COSTAR

MEMORY WALK

Mr BARRY COLLIER (Miranda) [4.50 p.m.]: On 28 June Mr Fred Costar died in a Sydney nursing home. Fred was a veteran of the Kokoda Trail, and I had the honour of delivering the eulogy at his funeral. I had known Fred all my life and he had played an important role in mine. As a headstrong 16-year-old I refused to listen to my parents and left school too early. It was my uncle, Fred Costar, who persuaded me, after two aimless years, to go back to technical college and get the Higher School Certificate. That was the turning point in my life, and one for which I will always be grateful.

Fred Costar passed away leaving Ethel, his loving wife of more than 50 years, his daughter, Jill, son-in-law, John, and his beautiful granddaughter, Donna. The last four years of Fred's life were extremely difficult for Fred and heartbreaking for his family. Fred, this once bright, intelligent, well-read man, who had served his country on the Kokoda Trail, had dementia. Fred Costar and his family were very much in our thoughts as my wife Jeanette and I took part in the Memory Walk at Waratah athletics field in the Sutherland Shire last Sunday, 19 September.

Memory Walk is a community day aimed at raising awareness of dementia as well as funds for research and assistance to carers and their families through Alzheimer's Australia. Memory Walks are conducted by Alzheimer's organisations in 17 countries worldwide. Last Sunday, at the commencement of Dementia

Awareness Week, we hosted Australia's first ever Memory Walk in the shire. The event began with the opening ceremony at 10 a.m. followed by the first ceremonial lap of the oval with Granny Kay, 65-year-old Kay Worrall, who lost four members of her family to dementia, and who had run from Sydney to Canberra to raise awareness of the disease. Memory Walk concluded at 6 p.m. with a moving candlelight ceremony as a tribute to the thousands living with dementia. Hazel Hawke, Australia's much-loved former first lady, is patron of the event, which raised \$50,000 for Alzheimer's Australia.

About 2,000 people participated in the Memory Walk: some just did a few laps of the oval and some did the full eight hours. My wife Jeanette and I walked with my colleagues, the honourable member for Menai, Alison Megarrity, and the honourable member for Heathcote, Paul McLeay. We were registered as the "Sutherland Shire Labor MPs" and were generously sponsored by the Sutherland District Trade Union Club. We helped kick off the Memory Walk with a \$5,000 grant from the State Government to Alzheimer's Australia, and we thank Premier Bob Carr for responding so positively to our representations.

But let me thank too the organisers and other supporters of this community event. Our thanks and our congratulations go particularly to the Memory Walk committee, headed up by Mr Ben Maiorana, president of the Engadine Chamber of Commerce. The committee included: Ed Bolla, Ken Challinor, Rod Coy, Kelly Cousins, Greg Fawcett, John Morrison, Julia Peterson, Kylie Rennie, Peter Sheather, Danielle White and Marty Rhone. Ben, Marty and the committee did an absolutely fantastic job and we thank them for their commitment, their dedication and their enthusiasm. We also congratulate the many sponsors, including Sutherland council, the Sharks, 2SSR FM, Doltone House, AMP, and of course the hundreds of volunteers who helped out on the day. I am also grateful to the editors and staff of the *St George and Sutherland Shire Leader*, *Shire Life* and *Engadine District News* for their generous coverage and promotion of the Memory Walk.

Memory Walk is about raising awareness of Alzheimer's—what Hazel Hawke calls "the big A". The statistics associated with this devastating condition are astonishing: 170,000 people in Australia suffer from dementia. Unless we find a cure, or a way to prevent or delay its onset, there will be half a million Australians suffering from Alzheimer's by the year 2041. There are 6,000 cases of dementia diagnosed in New South Wales every year. As much as 10 per cent of Australians aged over 51 are involved in caring for someone with dementia. The current direct and indirect cost of dementia is about \$6 billion per annum.

Almost all of us know someone suffering from Alzheimer's and we know the slow, savage toll it takes on them and their families. The recent cases of Hazel Hawke and the late Ronald Reagan highlight the silent scourge of Alzheimer's in a very, very public way. I know the State Government is spending \$11 million on dementia care and support over the next four years but, of course, more needs to be done. I know that next year's Memory Walk will be bigger, and bigger again the year after. We must continue the fight against Alzheimer's. We must continue to do all we can to give the big A the big A.

NSW POLICE AND MR ANDREW NASH

Mr ANDREW STONER (Oxley—Leader of The Nationals) [4.55 p.m.]: I raise the case of Mr Andrew Nash, who is based at Fredrickton and is a constituent of the Oxley electorate. Mr Nash was formerly a police officer. He commenced in the police service in 1997 and in 1998 he was stationed at Katoomba where, subsequently, an event occurred. The event involved alleged harassment or bullying from other officers, which sparked in Mr Nash a condition of anxiety and depression, which, in turn, connected with some childhood memories of sexual abuse that he had endured. Subsequently, Mr Nash became quite depressed. He was redeployed within the police service, but he continued to attract some comment from some of the other officers and the situation became untenable. He subsequently went on long-term sick leave in February 2001, being unable to continue in the police service. He had effectively become a whistleblower: he had made complaints against his fellow officers, and the culture at that time was not favourable to him continuing to work in the police service in Sydney simply because those about whom he had complained obviously had a network throughout the police service in the Blue Mountains and in Sydney. Mr Nash returned to his family home in Frederickton.

Since that time Mr Nash has had a great number of difficulties with the various agencies that deal with his illness and his employment in the police service. Specifically, I would mention WorkCover, NSW Police and also HealthQuest Workforce Health Management. He is in the unique situation now where he has fought for some workers compensation and did, in fact, receive some payment, but he is now in a no-win situation where HealthQuest has had him examined by doctors and, based on one doctor's report, has said that he is unfit to continue in his previous duties due to a permanent condition. HealthQuest has also said, however, that he is fit

for redeployment. So one would think that whilst he would not go back to his position of police constable there may be some other position available for him within the police service.

The police service, however, says that he is not fit to work in the police service, full stop. The police service says he is not permanently unfit—which is totally contradictory to the HealthQuest report—but that he is not fit to work in the police service and that he cannot be redeployed in the police service. This leaves Mr Nash in the position of really being in no-man's-land: he cannot get work with his former employer and he is in the position of being medically retired without any form of benefit or invalidity pension because the police service says that he is not permanently unfit, although, as I say, HealthQuest differs completely from that opinion. His current position is that he has been forcibly retired from the NSW Police. He has had to apply for unemployment benefit but fears that he will be unsuccessful because he received a workers compensation payment.

This police officer has been bullied and harassed in the workplace. When he came forward with his complaints, he was the subject of further bullying and harassment. He is now receiving no co-operation from either the NSW Police or HealthQuest. He has no employment and no regular income. In my opinion, the Government and the NSW Police should treat former police officers better, especially those who come forward and attempt to change the culture. Mr Nash did that and he has suffered for his efforts. He has called for the return of the Police Welfare Unit to assist people in circumstances that are similar to his.

TRIBUTE TO MR GREG MADDOCK

Mr FRANK SARTOR (Rockdale—Minister for Energy and Utilities, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer), and Minister Assisting the Premier on the Arts) [5.00 p.m.]: I sadly inform the House of the death last Friday, 17 September, of Greg Maddock in Brisbane. At the time of his death, Greg was the chief executive officer of Energex, which is the Queensland equivalent of EnergyAustralia. When I was the Lord Mayor of Sydney, I met Greg Maddock when he came into my office in 1995. He had been headhunted and short-listed for the position of the general manager of the City of Sydney. He impressed me and all my colleagues. Subsequently he was appointed to the position and he commenced work on 31 January 1996.

Greg was a person of enormous energy. He began work by applying all his knowledge, experience, wit, good humour, skills and enormous energy to quickly transforming a pretty low-level organisation into an efficient and accountable council administration that was capable of transforming the centre of Sydney—there was a lot to do. Greg liked a challenge. He never shirked new goals that were set for him every year. He loved reform, he loved hard work and he got stuck into it. He was a breath of fresh air. He brought some of his confreres up from Melbourne and recruited others. He set about reforming the services of the council. He introduced the purchaser-provider system that had been piloted in Victoria under compulsory competitive tendering, and he managed to achieve its implementation on a voluntary basis. He negotiated an agreement with the union and the system was established virtually by consensus. That is quite an achievement considering that, under competitive tendering, staff compete with the private sector to provide services. He also achieved the agreement without the loss of any time owing to industrial action.

Greg had a great gift in handling people—in motivating them and bringing them along with him. Many of us who worked with him remember his happy disposition, his infectious laughter and even his cackle as he made light of torrid times. He had an ability to involve people. He held many barbecues for staff—all staff, not just the inner circle. I remember the gatherings after the city's Open Days, the New Year's Eve events and during the lead-up to the Sydney Olympics. Greg's message was as unmistakable as his commitment was profound. He had a job to do and everybody belonged in the tent. Despite many reforms, the staff liked and respected him. He so motivated both indoor and outdoor staff that in the five years he was at the Council of the City of Sydney he lifted standards across all services. I instance street sweeping as an example. By the time of the opening ceremony of the Olympics, street sweepers were just as proud and eager as were elite sports men and women, and they did a brilliant job for 15 days in a row. Greg had everyone working hard and working for the same cause—to make the Sydney Olympics the best Games ever—and he succeeded. He did an outstanding job.

Greg was a bit of a larrikin. He liked a good laugh and never took himself too seriously. He took on many great projects for the Council of the City of Sydney, including the new street furniture projects and repaving all the city streets, which was an extremely difficult project. He was involved in negotiations with EnergyAustralia to produce new light poles in the city, which enabled the city to be festooned with great banners. And, of course, they were all displayed in time for the Olympic Games. Greg also has a great deal to do

with major events planning in the city, particularly the Sydney New Year's Eve event, which commenced in December 1996. In each subsequent year up to 2000, the event was a trial run of organising the city and managing large crowds in preparation for the Olympics. But more than that, it was about giving Sydney enormous international exposure when the clock struck midnight and the calendar was turned to 1 January 2000. In each successive year, the organisation of the Sydney New Year's Eve event was better and Greg must take most of the credit for that. He did a brilliant job. He was well respected by everyone. As the council progressed between 1996 and 2000, it was transformed and the city was transformed. Sydney is a much better place for that.

I remember that on the morning after the closing of the Olympic Games, Juan Antonio Samaranch said that he had been for a walk at breakfast time and had noticed that the city streets had already been cleaned. They were clean because Greg Maddock had worked like hell to motivate the staff to put the city in great shape and keep it that way. As recently as two months ago I had lunch with Greg in Brisbane. It was a long and amusing lunch. We discussed the electricity industry with which we both coincidentally had become involved. We laughed and reminisced, and it was a great day. I looked forward to the day when we might do that again. Greg had many good qualities, and one I have not mentioned was his integrity. In the five years he served the Council of the City of Sydney, I had no cause to doubt his honesty or integrity. In fact, he did much to bring those qualities into the Council of the City of Sydney. He despised rorts and stopped them whenever he encountered them. Greg was a terrific human being. He was a prince among men. Now the world has lost a great human being. I commend his memory to the House.

SHOALHAVEN HOSPITAL UPGRADE

Mrs SHELLEY HANCOCK (South Coast) [5.05 p.m.]: This evening I raise a number of issues regarding the recently upgraded and renovated Shoalhaven Hospital in Nowra. The hospital was described in the *Illawarra Mercury* on 16 September as a "shambles", despite its \$34 million revamp. This must be a very sad and embarrassing situation for the Government and, in particular, for the Minister for Health. It was he who paid a rare visit to the Shoalhaven two months ago to officially open and unveil the hospital's recently completed upgrade. Interestingly, on that day the Minister apparently admitted that no significant bed increases had been factored into the redevelopment. It was this issue that was highlighted by the community and local doctors prior to the March 2003 election. However, these concerns were ignored and the works progressed as planned.

In addition to the concerns about lack of new bed numbers in the redeveloped hospital, there were repeated requests from doctors throughout the planning process for an orthopaedics unit as part of the redevelopment. This, of course, was not included, despite the commonsense of including such a facility in a fast-growing area with a higher than average elderly population who are prone to falls and breaks. That is in the past, and the redevelopment is now complete. There are some impressive new areas of the hospital, including a much-needed new emergency department and intensive care unit. So why have doctors contacted the *Illawarra Mercury* and my office to describe the hospital as a shambles? The newspaper headline stated in bold print, "Health Farce".

I will outline the issues that require the Minister for Health to urgently intervene. Today I call on him to act responsibly with respect to them. First, I refer to waiting lists. Between August 2003 and August 2004 long-wait patients increased by 178 per cent. New South Wales Health's target for this category is zero. There are more patients currently on the long-wait list in Shoalhaven than Wollongong Hospital. Overdue urgent cases or those forced to wait more than 30 days for surgery increased between August 2003 and August 2004 from 80 to 103. New South Wales Health's target is 28. Access block is also now higher in the Shoalhaven than in Wollongong, and the figures in that category have more than doubled.

All of these problems must be considered in the context of a newly renovated and redeveloped hospital. In addition, there is the problem of the budget shortfall for the Shoalhaven Hospital, which is estimated to be \$5 million. The budget deficit is predicted to reach \$1 million by the end of this month. This has happened despite the fact that last year the former chief executive officer, Dr Liz Gale, announced publicly that she had reined in the finances of the Illawarra Area Health Service and fixed the problems. The communities of the South Coast and Shoalhaven no doubt will be looking forward to seeing the financial benefits that have been promised by the Minister for Health as a result of recent health amalgamations, and so do I.

One of Nowra's most esteemed and long-serving local surgeons has now stated on the record that the problems at Shoalhaven Hospital are reaching crisis point. He believes there are 30 beds fewer than are needed to cope with the region's population and has described events such as theatre staff caring for four people in the

recovery area of the hospital, theatre staff doing double shifts and unacceptable growing waiting lists. The doctor reiterated that the issue of bed numbers was raised during the planning process for the hospital, but the concerns of the professional staff working in the Shoalhaven—those who understood its particular demographics—were ignored. The Minister for Health must urgently intervene to ensure that an acute orthopaedic service is provided from the \$100 million worth of savings from health amalgamations, to provide additional funding to the hospital to reduce the alarming waiting list increases and to answer the real concerns of local doctors to act responsibly. The local doctor who has gone public says it all. I quote from some of his statements to me and to the newspapers:

We need help from the Government ... we can't keep looking after patients in the children's wards, and struggling to do theatre lists when there are no beds. This is just soul destroying. Everyone is working together and we are all banging our heads against a brick wall.

The brick wall is the Minister for Health, who refuses to acknowledge the problems and sits back arrogantly finding scapegoats for his portfolio crisis. He must work harder to convince everyone in this State that he is up to the task. Clearly, at the moment he is not.

RETIREMENT OF SUPERINTENDENT ALAN BECK

CABRAMATTA ELECTORATE ACTIVITIES

Ms REBA MEAGHER (Cabramatta—Minister for Fair Trading, and Minister Assisting the Minister for Commerce) [5.10 p.m.]: Last week I attended the retirement dinner for a distinguished New South Wales police serviceman. Superintendent Alan Beck was Cabramatta's Local Area Commander for the last two years of his 38 years of service. Alan continued the good work of his predecessor in strengthening the relationship between local police, local businesses and the community. I wish Superintendent Beck well in retirement and I look forward to working with the incoming superintendent, Jim Hook, to continue the ongoing work occurring in Cabramatta.

As we witness a changing of the guard, it is timely to reflect on the recent achievements in our local community. A program of high-visibility, high-impact policing as well as community consultation has resulted in the continued reduction in crime in Cabramatta for six major categories. Results from the local command for the 12 months to 30 June 2004 demonstrate that drug detections are down by 46 per cent, theft is down 28 per cent, break and enter offences are down 27 per cent, robbery is down 22 per cent, stolen vehicles are down 12 per cent, and assault is down 3 per cent. These are significant reductions, which have ensured that Cabramatta is a safer place. In addition, many more people are now beginning to appreciate the unique cultural attractions and flavours of Cabramatta, and Cabramatta is particularly at its best at festival time.

This Sunday Cabramatta will come alive for the annual Moon Festival. The success and popularity of the Moon Festival continues to grow. This year it is anticipated that up to 60,000 people will come down to John Street and enjoy the festival. Visitors will be able to enjoy traditional lion dancing, the beat of the drum as evil spirits are warded off, heralding the new moon, as well as culinary delights to arouse the sensations, culminating in the ultimate Cabramatta experience. In addition, many stalls highlighting traditional Asian foods, local arts and crafts, businesses, community organisations and services will be on display. Quite simply, Cabramatta is on show during the Moon Festival. The growing popularity of the festival, including the appeal it holds for families, is due in part to the reduction of crime and increased awareness and perception of what Cabramatta has to offer.

The last few years has seen a number of positive new developments delivered by the Carr Government in Cabramatta. These include the \$13 million state-of-the-art police station; the \$4 million stage one development of Canley Vale Public School, with budgeted funding for stage two; the \$2.3 million Easy Access program at Cabramatta railway station; and the \$28 million anti-drugs strategy, which has significantly reduced drug-related crime in the Cabramatta area. Other achievements that have led to the reduction of crime and enhanced the reputation of Cabramatta, include the ongoing development and success of the CityWatch program, and the Department of Community Services [DOCS] Street Team. CityWatch is a great example of how police and community can work together to develop solutions to combat local crime. Beating crime is a team effort, and CityWatch has opened communication channels between the community, local businesses and police. The results of this dialogue are clearly seen through the reduced crime figures I highlighted earlier.

The DOCS Street Team recently celebrated its third year anniversary, and is one of the integral elements of the Cabramatta Anti-Drug Strategy. The Street Team began its life in July 2001 and since then has

made a real impact on people's lives. It operates seven days per week and provides a crisis intervention role to those in need. Some of the success of the Street Team lies in the fact that it is co-located with the local police. This allows the police to call on Street Team members to intervene at any hour of the day and help people in need before their case becomes a policing issue. The Street Team also works with other local services such as health, schools and welfare to reunite kids with their families or to help young people work out options for a better future. The co-location of the DOCS Street Team with Cabramatta police was the first of its kind in New South Wales and has proved to be a tremendous success. That is largely because of the spirit of co-operation that exists between the two agencies. The community has certainly netted the results of that co-location. While Cabramatta has seen many positive developments over the last few years, we must maintain our effort to ensure it continues to grow and prosper.

EVENTING WORLD CUP, FRANCE

Mr IAN ARMSTRONG (Lachlan) [5.15 p.m.]: The matter I raise is probably a little unusual but it is very exciting. I acknowledge Australia's participation in next month's equestrian Eventing World Cup, to be held in France. This is the epitome of horse eventing in the world today. As a longstanding member of the Australian Stock Horse Society and a breeder of horses, I understand the importance of this event. Australia will be represented by a stock horse Ringwould Jaguar and its rider, West Australian Sonja Johnson. They are currently the competition frontrunners, earning 200 points in the qualifying rounds, ahead of second placed Swede Linda Algotsson and third placed Briton William Fox-Pitt. They are probably the best-known riders in equestrian eventing in the world over the past decade.

I cannot emphasise enough what a coup it is for Ringwould Jaguar and its rider, Sonja Johnson, to be going to France with 200 points in the qualifying rounds. Major European countries, Germany, the Scandinavian countries, Britain, America and South Africa are just some of the countries that compete with enormous professionalism and unbelievable amounts of money behind the horses and participants in this very prestigious eventing. If Ringwould Jaguar goes no further, it will still be a magnificent effort to have achieved a start in the finals.

Why do I get so excited about an Australian horse, apart from the fact that it is an Australian stockhorse? The Australian Stock Horse Society was started in the 1960s by the late Bryant Gavin and others. It is now the largest registration of horses in Australia. It recognises the very rich and somewhat colourful history of stockhorses in this nation. Horses were the only form of transportation up until the early part of the 1900s and our soldiers went off to the Boer War with horses. Indeed, in World War I Australian stockhorses were legends in the Middle East and, in particular, in Egypt. It is one of the saddest things in our history that when the Australian troops came back from Egypt at the end of World War I, only one horse out of 27,000 horses returned. The rest were either destroyed, mainly by the riders, who were given the option to take their horse out into the desert and shoot it, or left there. Many of the horses were sold to the British, who on sold many of them to India—a very dark period in our history.

The only horse to return from World War I was a horse called Sandy, which came back with the leader of the command. It has now been taxidermied and is in the Australian War Museum in Canberra. The Australian stockhorse was a great base for our Australian transport industry and our history generally. The Australian Stock Horse Society recognises all forms of horse, ranging from harness horses right through to polo, polocrosse, sporting horses and hacks. They have to be line bred down from some of those great foundation sires such as Radium, son of Eclipse, going back to horses that were bred on the far North Coast in the late 1890s to early 1901. The Armstrong sisters at Casino had horses Duke and Radium, which dominated much of the sporting events of the day. Stockhorses have been part of our culture, our history and our sport for probably 140 years. The crème de la crème of international recognition was given to Ringwould Jaguar and Sonja Johnson. I am sure I speak on behalf of every member of this House in wishing Ringwould Jaguar and Sonja Johnson every success at the world competition eventing to be held in France next month.

BELMONT GOLF CLUB LTD DEVELOPMENT

Mr PAUL CRITTENDEN (Wyang) [5.20 p.m.]: Honourable members would be aware that on 2 September and 16 September I raised the important issue of keeping Belmont Golf Club as a community asset and not having it converted to an asset for Terrace Tower. On 16 September the honourable member for Swansea and the honourable member for Charlestown also raised important environmental issues. I concur with the sentiments of both honourable members. What Terrace Tower is attempting to do by turning Belmont Golf Club into a de facto housing estate is to get a major development on that stretch of Nine Mile Beach from

Blacksmiths to Redhead in order to open the floodgates and allow unbridled development in that sensitive coastal strip.

I refer now to the role played by the lawyer and club member, Roger Gray, in his dealings in respect of negotiating the contract on behalf of Belmont Golf Club members. Gray wrote to me on 15 September 2004. As with the club president's letter, which I referred to in my last speech, Gray's letter raised more questions than it answered. Gray describes himself as the club's legal advisor. The club also states that Gray is the club's legal advisor. In a previous speech I pointed out my concern that the club had not obtained any independent financial analysis to determine whether the Terrace Tower deal was fair and reasonable for the club. After the Club Secretary-Manager, Geoffrey Perkins, outlined the ridiculous proposition at the meeting on 30 October 2003 that "the board's position has always been that no money should be spent on obtaining independent financial advice until we have the deal in our pocket", Gray jumped in. Page 3 of the minutes quotes Gray, and states:

There are some other things that we have to realise—clubs do not have the doability factor to do this themselves—we are not in a position to undertake this project alone.

I find it interesting that Gray would be offering such business and financial advice and I am at a loss to know his qualifications in that regard. Elsewhere, when questioned by a club member about whether the \$17.5 million was sufficient to complete the project, Gray responded that there must be an exchange for the facilities completed. He said:

The board will ensure that the consideration of \$17.5 million can complete the facilities. The club cannot be presented with a bill at the end of the project.

Apart from claiming legal and financial expertise, Gray must also be a fortune teller or have the gift of prophecy. How else could he possibly know whether the project can be completed without design changes, cost overruns, wage increases, changes in inflation, interest rates or the risk of contractors going into liquidation? At the meeting held on 30 October 2003 a club member asked:

Have you considered a "No" vote or a postponing situation?

The minutes continue:

Roger Gray responded that the board is not looking at an amendment, as this is not permissible under the legislation.

Unfortunately, Gray did not specify which legislation, but I could not find a reference in the Corporations Act 2001 or the Registered Clubs Act. Club members may have wished to seek independent financial advice via an amendment to postpone. On page 4 of the minutes of 30 October 2003 meeting Gray stated:

The contract provides for a two stage project. Stage 1 involves the obtaining of land to allow the project to proceed. To do this we need your approval for stage 1. The land to be acquired is in the name of various entities and it is planned to swap excess club lands for these. The club then will have a swap of residential land for monies to complete the project. There will be a two year feasibility study where it will be seen if Government and Club requirements can be met. We then will move to stage 2, the establishment of the course and clubhouse facilities.

This implies that successful completion of stage one is a condition precedent for progression to stage two. The provisions of the contracts executed in July 2003 and 2004 respectively will be seminal in ascertaining the true situation. I discovered from Gray's letter that he must have worked on a contract with a Terrace Tower subsidiary, Kalayla Pty Ltd, executed in July 2003. The members of Belmont Golf Club were not told this at the meeting of October 2003. Even more worrying is the fact that the members of Belmont Golf Club were told that the deal was with the massive developer, Terrace Tower. Contrary to that claim, Gray's letter and the annual report of Belmont Golf Club indicate that in fact the agreement is with Kalayla Pty Ltd.

Why were members told the deal was with Terrace Tower, when it is with a subsidiary? Anyone with the most basic legal and financial expertise knows that usually there are extra financial risks when one deals with a subsidiary rather than the parent company with the assets. When Ansett Airlines, a subsidiary of Air New Zealand, was unable to meet its liabilities, its creditors and its employees were left high and dry, with Air New Zealand refusing to pay out the debts of its subsidiary, Ansett. What are the assets of Kalayla Pty Ltd compared to those of Terrace Tower? Did Mr Gray give legal and financial advice on the increased risk of signing a contract with Kalayla rather than Terrace Tower itself? Why were club members misled and told that the deal was with Terrace Tower? I have a question for Mr Gray: Is his letter to me, his financial advice to club members, covered by the solicitors' scheme mentioned on his letterhead, given that he has no expertise in financial matters?

I ask the Law Society and the Attorney General to examine whether Gray has broken the law or the Law Society standards in seeking to give advice to the club and its members in the manner that he has. Perhaps Kalayla Pty Ltd might get a windfall gain if it becomes a major creditor of the Belmont Golf Club Ltd and the latter is placed in receivership. That is why I look forward to the financial and operational audit presently being conducted by the Department of Gaming and Racing as well as advice on the contractual arrangements. I have provided to the Minister for Gaming and Racing the annual report and financial statements of Belmont Golf Club for the 18-month period ending 30 June 2004. The independent audit report has a subheading "Inherent Uncertainty Regarding Continuation As A Going Concern". I think that says it all. Clearly prudent financial management is now desperately required.

I understand that the honourable member for Swansea has worked on a solution that provides for the State Electoral Office to conduct the forthcoming ballot for the Belmont Golf Club board at no cost to the club. I am sure the department and the Minister are using their best endeavours to ensure that the excellent proposal by the honourable member for Swansea is adopted by the club as part of its alleged transparency process. Yesterday Councillor Rob O'Brien visited a Liberal member of the Legislative Council, the Hon. Robyn Parker, at Parliament House. I hope all sides of politics can work to save Belmont Golf Club for the community and not developers.

BEGA ELECTORATE HOSPITALS

Mr ANDREW CONSTANCE (Bega) [5.25 p.m.]: Constituents in my electorate have a number of concerns about the health services provided in local hospitals. Earlier today the Minister for Health answered a question relating to surgeons employed at Moruya and Batemans Bay hospitals. His answer was a great disappointment; we have gone 12 months without general surgeons on board after all three walked out of the Southern Area Health Service. At a large public rally in Batemans Bay, attended by a couple of hundred people, the Federal Labor candidate for Eden-Monaro indicated that the emergency department development at Batemans Bay District Hospital has been further delayed. He referred to a discussion that took place between him, Julia Gillard, the Federal shadow Minister for Health, and the New South Wales Minister for Health, Morris Iemma, about that development.

At the rally the Labor candidate told the people that the Minister for Health had stated that the development would be delayed. This matter has been on the drawing board for some 18 months. The wonderful staff in the emergency department at Batemans Bay operate in a basement; it is an appalling facility. It should be a great embarrassment to the State Government that that standard of facility exists within any hospital, let alone in Batemans Bay. Apparently no reason has been given for the delay. I call on the Minister for Health to explain why it is so. Another matter of concern to the community is the newly established birthing centre at Moruya hospital. The Batemans Bay community in particular was concerned that when its maternity unit closed patients would have to go to the underresourced birthing unit at Moruya. That concern has come to fruition.

When the Government set up the birthing centre it failed to employ three doctors. It managed to get one doctor on board, but failed to hire two general practitioner obstetricians. This matter is still to be finalised. Last weekend a locum was brought in from Orange, although a doctor was available in Batemans Bay who could have stepped in to undertake the work. But it was not good enough for the health service to make that arrangement.

Batemans Bay hospital has six midwives who are undertaking general duties, and not the duties of midwives. That is a matter of concern to the community. The birthing unit at Moruya hospital, whilst sold to the community as a great asset, has not been provided with the resources it needs. The birthing centre cannot provide the support that was promised by the State Government, in particular, by the Southern Area Health Service. Further down the coast, communities have concerns about Bega District Hospital. When orthopaedic surgeon Dr Gareth Long leaves the hospital at the end of the year the regional service that provides orthopaedic services from Batemans Bay to the Snowy Mountains to northern Victoria will be left in disarray. The Government has to come clean about what it is doing to rectify this matter.

When Dr Long leaves, only one surgeon will be available to deal with trauma and elective surgery. That is of great concern to the local community. I add that the haematologist from Canberra, Dr Pitcock, who provides services at Bega hospital, has indicated to patients that he will no longer provide services to the Bega community. The clinical strategy employed by the Southern Area Health Service is not working because the Government is not ensuring that that health service is adopting and utilising all available resources to keep doctors. As I said, the main concern relates to the emergency department in Batemans Bay, the orthopaedic and

haematology services available at Bega hospital and the birthing centre at Moruya hospital. I hope that the Minister for Health hears my call this afternoon and instructs his director-general to get involved and get this matter resolved as soon as possible.

[Private members' statements interrupted.]

HONOURABLE MEMBER FOR FAIRFIELD AND MR NABIL GAZAL

Personal Explanation

Mr JOSEPH TRIPODI, by leave: In yet another ill-timed leap of logic, the Leader of the Opposition claimed today that I was provided with access to Mr Gazal's boat in return for lobbying. Of course, this is rubbish. On one occasion earlier this year Mr Gazal, a friend at the time, lent me his boat. This will be declared in the normal course. Any suggestion that representations I made trying to protect jobs at Orange Grove were related to this is untrue and should scarcely be dignified with a response.

PRIVATE MEMBERS' STATEMENTS

[Private members' statements resumed.]

RELAY FOR LIFE

Mr ALLAN SHEARAN (Londonderry) [5.31 p.m.]: Honourable members will be aware that Relay for Life events are fundraising activities initiated by the Cancer Council of New South Wales. The funds collected are directed towards research, which hopefully will lead to a cure for this insidious disease, cancer—a worthy cause indeed. To get involved in these events, information provided by the Cancer Council indicates that the relay is for everyone. It is a fun outdoor, overnight fundraising event where teams of 10 to 15 people take turns to walk or run around their local oval. It goes on further to say that "as a participant you can walk as many or as few laps as you like; be entertained with bands, fun and food; receive receipt books and great ideas on how to raise money".

My first contact with a relay was late last year when I attended the opening ceremony for the Blacktown Relay for Life on behalf of Blacktown City Council. At that time I was pleased to learn that a good friend of mine, Peter Filmer, had recovered from treatment and managed to beat this dreadful disease. Unfortunately, many are not so lucky. Mr Speaker was invited to formally declare the Blacktown event open. As honourable members will recall, Mr Speaker was personally touched with the loss of his wife to this terrible disease. His words at the opening were from the heart and very moving, to say the least.

My next encounter with a relay was when I was invited to participate in the inaugural Hawkesbury Relay for Life. I had no hesitation in becoming involved. The cause is of such importance that I felt it imperative to show my support for the efforts of all those involved in organising the relay. I raised this with some friends who were also committed to supporting the event, including May Hayek, Boutros Hayek, John Christie and Mark Ptolomy. While only a small team, we were able to ensure that we had a team member on the oval for most of the time, and I was very grateful for their involvement.

It was on a Saturday at 10.00 a.m. that the Mayor of Hawkesbury City, Councillor Rex Stubbs, formally opened the Hawkesbury relay. The survivors and carers commenced the first lap of the oval, and they were followed by all the relay teams. I understand that there were 45 teams and more than 550 participants during the 24-hour relay. These teams comprised various community groups, friends, businesses and even political parties, with both the Labor Party and the Liberal Party being represented. Some of the teams had fanciful names, such as the Mighty Ducks, You Name It, We Do It and the Cabbage Patchers; others were reflective of the organisations that gave their support, including the John Morony Correctional Centre, Hawkesbury District Health Service, Windsor police, Hawkesbury City Council and many others. I am confident in saying that all participants enjoyed themselves, despite in some instances roughing it and camping on site, continuing on throughout the night and fighting the coldness of the early morning.

It seems that cancer has no boundaries. It can strike anyone at any time for no apparent reason. In all cases it is simply not fair that loved ones can be taken from us so abruptly. Only a couple of months ago I attended the funeral of a good long-time friend, Garry Crossley, who had succumbed to cancer. He was only 49 years young, and he had so much to put into his family, community and work. We had met while studying law

and had maintained a friendship that spanned more than 30 years. Even now it is hard to realise that Garry has left us, especially when I recall him being so fit and energetic. But that is the nature of this horrible disease.

I am sure most of us personally know someone who has been struck down by cancer. It can be a loved one, someone who is generally otherwise healthy or someone who has contributed so much to this world but still cannot hide from this disease. It is for the likes of Garry, Anne Aquilina and so many others that it is imperative that we pursue a cure for cancer. Accordingly, I take this opportunity to mention that the next relay for life event that is connected to my electorate will be hosted by Blacktown City Council at 10.00 a.m. on the weekend of 30 and 31 October 2004 at the Blacktown Olympic Park athletics track in Rooty Hill.

The organising co-ordinator for the Blacktown relay is Blacktown City Councillor Kathy Collins. Kathy is one of those rare people who seem to have boundless energy, unlimited enthusiasm and a sincere commitment to the wellbeing of all in our community. I was speaking to her only about half an hour ago; as usual, she is bubbling along, not worried about the time she puts into such projects but simply excited that this year's relay looks as if it has the potential to be the most successful. Kathy and her hardworking organising committee have already started fundraising. They were at the Mount Druitt Festival last Saturday, and she was pleased to relate that they raised \$5,000 on the day. When a Relay for Life event or any other cancer-fighting activity comes into their area, I urge all members to participate in any way they can. The ultimate cure for cancer is near. I wish Councillor Kathy Collins and her organising committee every success for this year's relay.

DEMENTIA AWARENESS WEEK

Mrs JUDY HOPWOOD (Hornsby) [5.36 p.m.]: I shall relate to the House some Dementia Awareness Week activities. This morning I had the great honour of being part of the launch of the Parliamentary Friends of Dementia group. Indeed, I have been asked by the Minister to be co-convener of Parliamentary Friends of Dementia with the honourable member for Swansea. Today's launch in the Jubilee Room was exciting. We look forward to working together in the weeks and months ahead to raise awareness of dementia and all the diseases under that entity. On Monday 20 September I attended a local event called the Memory and Ageing Expo. It was supported by Catholic Health Care Services, Asquith Rugby League Club, Hornsby Council, the New South Wales branch of Alzheimer's Australia and the Department of Ageing, Disability and Home Care.

At the expo a number of people who are experts in the field made wonderful presentations encompassing subjects such as "What is memory?", "What actually happens when we remember something?", "What can I do to help me remember better", "How does memory change with ageing?", "Everybody loses their keys—when should I be worried about my memory?" and "What can I do to find out more?" There were also sessions on planning ahead, legal issues and the role of the aged care assessment team. I attended the session for a period; it was a rewarding experience for everybody present. There were speakers from Alzheimer's Australia and the Guardianship Tribunal, and important messages were portrayed.

The objectives of the Parliamentary Friends of Dementia group will be to raise awareness of issues affecting people with dementia, their families and carers; to raise parliamentary awareness of dementia; and to support dementia being a national and State priority within a framework that promotes early diagnosis, dementia research, prevention and improved health, ageing and community care services. During my part of the presentation this morning I pointed out that, while a lot is being done for dementia, a lot more can be done, and it is important to work together in a non-partisan way to bring forward that information to the legislators in this House to enable the right sorts of things to be created for sufferers of dementia and their families.

In my local area, the Mercy Community Care Dementia Advisory Service is extremely busy. The service operates not only in Hornsby and Ku-ring-gai but also in Ryde, Hunters Hill and the lower North Shore. The dementia advisory service provides information for people with dementia and their carers, assists carers with home management strategies for supporting people with dementia in supportive and understanding ways, provides referral to counselling services when appropriate, facilitates referral and access to relevant dementia support services, and a raft of other services. People with dementia and their carers, community-based service providers and others can access the service at no cost, which is a tremendous bonus.

During this week I also attended a most interesting campaign launch in Redfern in relation to raising awareness of dementia in indigenous communities. I also spoke this week to a younger onset dementia worker named Jeni Crump, who pointed out to me that dementia in younger people is a serious issue. As part of Dementia Awareness Week, Mercy Community Care, Waitara, is actively promoting a new social support program for people aged under 65 with dementia and living at home in the Hornsby-Ku-ring-gai areas. The

Younger Onset Dementia Social Support Program appears to be the first of its kind in Australia targeted specifically at this age group. It is estimated that in the Hornsby-Ku-ring-gai area approximately 50 to 150 younger people—that is, people aged under 65—suffer from dementia, and it is often difficult to diagnose. Doctors sometimes believe that the person who presents with symptoms is too young to have the disease, and may say so to the patient. This is an important issue and deserves more awareness. I congratulate Mercy Community Care, Waitara, and Jeni Crump for their work. [*Time expired.*]

MOTOR VEHICLES PURCHASE CONSUMER PROTECTION

Mr DAVID BARR (Manly) [5.41 p.m.]: I want to speak tonight about automobile lemon laws. A constituent, Mr Richard Olsen of Fairlight, had spoken to me and detailed problems he has with a Toyota Prius motor vehicle he purchased on 29 January this year. Only two weeks after taking delivery of the car, he began to receive repeated computerised messages generated by the vehicle's electronic system—for example, that the car was not parked on an even surface—and subsequently the vehicle failed to start. Mr Olsen took the car to the dealership and was told that all Toyota Prius vehicles came into the dealership with some sort of error and that the problem would be fixed. In April the car failed to start and the NRMA was called to recharge the electric battery.

Mr Olsen then drove to a Parramatta dealership, the only dealership that had time available to look at the vehicle. He learnt from the service manager that a faulty battery had been installed at the factory and that there would be a two-month wait for a new battery to be shipped from Japan because Toyota did not keep a stock of spare parts for the vehicle in Australia. A second-hand battery was installed and connected to Mr Olsen's car, and when a new battery arrived a couple of months later it was installed at Liverpool. However, on 6 July more problems developed which affected the operation of the airconditioning, steering and navigation systems. Once more, he had to drop the car at Warwick Farm and several days later was required to travel back out to Liverpool to collect the vehicle. During the intervening period, a technician had been brought from Melbourne to Sydney to look after the vehicle.

During this time Mr Olsen was without a car, as he did not have his Toyota Prius. He believes that he has not received an adequate explanation as to the cause of the problem. He has since received a letter from Toyota suggesting the possibility of water entering the engine compartment during heavy rain or during car washing. It has not been established that this new problem was in any way connected to the earlier problems. Mr Olsen's problems highlight the need for better consumer protection in relation to the purchase of motor vehicles. A recent case, in which the Supreme Court backed up the New South Wales Consumer, Trader and Tenancy Tribunal, has perhaps given a few more teeth to the tribunal. In that case, the dealer was ordered to take back a motor vehicle and return most of the purchase price. That is something of a victory for consumers, but it is also a limited victory. The case exposed the inadequate protection for car buyers who buy a faulty vehicle, or a "lemon".

There is currently consumer protection legislation on the statute books. Section 19 of the Sale of Goods Act contains an implied condition that goods should be fit for the purpose for which they are sold. There are various other provisions under the Trade Practices Act and elsewhere, but it seems there is still not a clear focus on automobiles that provides a simple and inexpensive remedy to consumers who purchase vehicles that do not satisfy their basic requirements, which is that the vehicles start and take them where they want to go. Reference has been made to lemon laws in the United States of America, and they have been held out as something of a panacea. I have spoken to the Minister for Fair Trading and she informed me, and has subsequently announced, that a review is to be undertaken by the Fair Trading Advisory Council relating to lemon laws.

Even though statutes in the various American States define "lemons" and prescribe the number of times a consumer has to take back the goods—it may be three or four times—before it is considered a "lemon", one of the problems with the American law is the high cost of litigation. New South Wales should perhaps borrow from the American law where appropriate but we should also use existing arrangements available through the New South Wales Consumer Trader and Tenancy Tribunal, or some other tribunal, to define the meaning of "lemon" and determine an avenue by which consumers can obtain an inexpensive and quick remedy. That is the issue here. Cars are big-ticket items. They are mechanically and electrically sophisticated and most of them are very good, but sometimes things go wrong. The Toyota Prius is a desirable vehicle because it is environmentally friendly, but the consumer must have a remedy. [*Time expired.*]

REGIONAL EXPRESS SYDNEY TERMINAL FACILITIES

Mr PETER DRAPER (Tamworth) [5.46 p.m.]: Earlier today the honourable member for Murray-Darling gave notice of a motion for urgent consideration urging the House to support the operations of the Regional-based airline Regional Express [Rex], which employs 600 workers, and to condemn the actions of the

Sydney Airports Corporation to move the airline from the Sydney terminal it presently uses. Information has emerged that Rex is unhappy with the proposal that it be moved from gate 39, where its current lounge is located. On 30 November the current lease will expire and there has been much speculation that Rex will be moved from gate 39 to gate 47.

Ms Alison Megarrity: We don't want it at Bankstown.

Mr PETER DRAPER: No, we do not want to go anywhere near Bankstown. In my previous incarnation as Regional Manager for Hazelton Airlines, I had direct experience of operating out of gate 47 at Sydney airport. While it offers an adequate service for small airlines, it simply cannot cater for the rapid expansion of Rex since that company was formed through the amalgamation of Hazelton Airlines and Kendell Airlines. The issue relates to identity. The considerable effort and resources Rex has put into badging, signage, marketing, and gaining recognition are definitely under threat. There is no facility at gate 47, which is to be shared with three smaller airlines, for Rex to maintain its significant identity. The proposal apparently requires Rex to share access through a single gate with Big Sky Express, Airlink and Aeropelican. That involves a direct conflict. Airlink is a major competitor of Rex out of Dubbo. Competing for passengers who are sitting in the same area as the opposition is unsatisfactory.

The proposal also offers Rex a lounge but it falls a long way short of the standard of the lounge out of which it currently operates. Rex is competing strongly against Qantas on the Canberra route, and facilities are important for business travellers, who expect to be offered a certain standard of service. They need access to a quiet place to work while waiting for the aircraft. The lounge being offered to them has no toilets or kitchens and does not have the office space that is available to the rapidly growing staff employed by Rex in New South Wales. Over the past twelve months Rex's passenger numbers in New South Wales have increased by almost 50 per cent and on a monthly basis it is quickly trending upwards. That is encouraging.

There was a great deal of consternation in regional communities when Ansett collapsed, taking Kendell and Hazelton Airlines with it. The formation of Rex has given equity to many regional communities, especially areas where Rex is the only carrier, and it has enabled them to compete with other regional communities. The bottom line is that the facilities they have enjoyed for the past two years are of a suitable standard and they have been accepted by the customer base—and the customer base is reacting by using Rex more and more often. The proposal would result in a great deal less efficiency. There has been talk about moving Rex's departure and arrival operations to gate 47 and maintaining the current lounge as a compromise. However, there is a considerable distance between the current lounge near gate 39 and the departure point, and that would create a deal of consternation among passengers.

Gate 47 is a great deal smaller than the existing facility. When an airline is on a rapidly expanding growth program, facilities that can barely cater for current customers, let alone for the ongoing growth in numbers, are not acceptable. Passengers would need to be bussed to and from every aircraft, which would create staffing and logistical problems. That is not the case at the moment. Rex would have to share the facilities with a major competitor on the Dubbo route and customers would be confused, especially in the initial stages, about where they should be located and which airline operates out of which gate. The Federal Government has the ability to intervene, and I strongly suggest that it does so. As a representative of regional New South Wales, I believe that Rex offers an invaluable service. It is expanding and looking to open new routes. I would like anything that prevents that expansion to be nipped in the bud immediately.

Private members' statements noted.

The House adjourned at 5.51 p.m. until Friday 24 September 2004 at 10.00 a.m.
